

## **Section 4 Final Actions**

### **CEQA**

**Board of Directors Action**

**Findings**

**Resolution**

**Notice of Determination**

### **NEPA**

**Noticing and Record of Decision**

RESOLUTION 2756

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN MUNICIPAL WATER DISTRICT, CERTIFYING THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE RIVERSIDE–CORONA FEEDER PROJECT; ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM; AND APPROVING THE RIVERSIDE–CORONA FEEDER PROJECT

WHEREAS, the Riverside-Corona Feeder Project (the “Project” or “Proposed Project”) has been proposed by the Western Municipal Water District (the “District”); and

WHEREAS, the Proposed Project, which would include approximately 30 miles of major feeder pipeline and related facilities, is located along an alignment generally running along the 91/215 Freeway, from the City of San Bernardino on the northeast to the City of Corona on the southwest; and

WHEREAS, the Proposed Project is a realignment of the original Riverside-Corona Feeder alignment, which was previously evaluated in the Final Programmatic Environmental Impact Report (“PEIR”) certified on or about May 18, 2005; and

WHEREAS, pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) (“CEQA”), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the District determined that a Supplemental Environmental Impact Report (“SEIR”) should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the Proposed Project and its realignment as compared to that which was analyzed in the PEIR;

WHEREAS, the District issued a Notice of Preparation (“NOP”) on a Draft SEIR on July 31, 2008 and circulated the NOP on August 1, 2008; and

WHEREAS, the District solicited comments from potential responsible and trustee agencies and members of the public; and

WHEREAS, the District held a scoping meeting on August 11, 2008 to gather public comments on the Proposed Project and its potential impacts on the physical environment; and

WHEREAS, the District received nineteen (19) comment letters in response to the NOP, which assisted the District in narrowing the issues and alternatives for analysis in the Draft SEIR; and

WHEREAS, on or about January 20, 2011, the District initiated a 45-day public review period by filing a Notice of Completion and Availability with the State Office of Planning and Research and releasing the Draft SEIR for public review and comment; and

WHEREAS, pursuant to CEQA Guidelines section 15086, the District consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day comment period; and

WHEREAS, the District received (18) eighteen comment letters during the public review period for the Draft SEIR and (4) four comment letters after the close of the public review period; and

WHEREAS, the District has prepared a Final SEIR, consisting of comments received during the 45-day public review and comment period on the Draft SEIR, written responses to those comments, and revisions and errata to the Draft SEIR. For the purposes of this Resolution, the "SEIR" shall refer to the Draft SEIR, as revised by the Final SEIR's errata section, together with the other sections of the Final SEIR; and

WHEREAS, as contained herein, the District has endeavored in good faith to set forth the basis for its decision on the Proposed Project; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the District in the SEIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Proposed Project have been adequately evaluated; and

WHEREAS, the SEIR prepared in connection with the Proposed Project sufficiently analyzes both the feasible Mitigation Measures necessary to avoid or substantially lessen the Proposed Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and

WHEREAS, all of the findings and conclusions made by the Board of Directors pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, the environmental impacts identified in the SEIR that the District finds are less than significant and do not require mitigation are described in Section 2 hereof; and

WHEREAS, the environmental impacts identified in the SEIR as potentially significant but which the District finds can be mitigated to a level of less than significant, through the imposition of feasible Mitigation Measures identified in the SEIR and set forth herein, are described in Section 3 hereof; and

WHEREAS, the environmental impacts identified in the SEIR as potentially significant but which the District finds cannot be mitigated to a level of less than significant, despite the imposition of feasible Mitigation Measures identified in the SEIR and set forth herein, are described in Section 4 hereof; and

WHEREAS, the cumulative impacts of the Project identified in the SEIR and set forth herein, are described in Section 5 hereof; and

WHEREAS, the significant and irreversible environmental changes that would result from the Proposed Project, but which would be largely mitigated, identified in the SEIR and set forth herein, are described in Section 6 hereof; and

WHEREAS, the existence of any growth-inducing impacts resulting from the Proposed Project identified in the SEIR and set forth herein, are described in Section 7 hereof; and

WHEREAS, alternatives to the Proposed Project that might eliminate or reduce significant environmental impacts are described in Section 8 hereof; and

WHEREAS, prior to taking action, the Board of Directors has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the SEIR, and all oral and written evidence presented to it during all the meetings and hearings, all of which is incorporated herein by this reference; and

WHEREAS, the SEIR reflects the independent judgment of the Board of Directors and is deemed adequate for the purpose of making decisions on the merits of this Proposed Project; and

WHEREAS, no comments made in the public hearings conducted by the District or any additional information submitted to the District have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines section 15088.5; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

**THE BOARD OF DIRECTORS OF THE WESTERN MUNICIPAL WATER DISTRICT  
DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1: FINDINGS**

At a session assembled on February 15, 2012, the Board of Directors determined that, based on all of the evidence presented, including but not limited to the SEIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified Mitigation Measures.

**SECTION 2: RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT  
REQUIRING MITIGATION**

The Board of Directors hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of Mitigation Measures.

## A. ENERGY

1. Impact: The Project would not cause a substantial increase in the use of fossil fuels such as coal, natural gas and oil.

Finding: Although the energy impact is less than significant, the implementation of the following Mitigation Measures will mitigate this impact even further. (DSEIR pp. 4.5-11-12.)

**MM Energy 1** Hydroelectric generating stations shall be constructed as part of the Mockingbird and Clay Street Connections pump station facilities.

**MM Air 5** To address the CAPCOA White Paper on CEQA and Climate Change (CAPCOA) MM E-1 and reduce energy use, high-efficiency pumps shall be used within the project facilities. Pumps shall be selected based on the optimal pump to use for the particular application (i.e., location, hydrology, size, purpose, etc.). This results in low energy use for the application. The Project will use pumps that are as energy efficient as possible without sacrificing performance. (DSEIR p. 4.2-66.)

**MM Air 6** To reduce consumption due to all non-pumping related energy, solar generation is required for lights, timers, landscape irrigation systems, and all other non-pumping energy uses. (*Ibid.*)

Supporting Explanation: The Central Feeder Connection would connect up to five new or existing groundwater production wells located within the San Bernardino Basin Area (exact locations not determined) into the San Bernardino Valley Municipal Water District's Central Feeder Pipeline. (DSEIR p. 4.5-8.) This will not represent a change in energy consumption from the other alternatives because it is assumed that only five (5) wells of the 20 possible wells associated with operations of the Proposed Project will be used at any one time to meet operating requirements. (*Ibid.*) These wells are assumed to operate with similar power needs as the well field under the 2005 Project Alignment Alternative. (*Ibid.*)

The electricity demand for the Proposed Project is approximately 41,041 MWh per year which includes the reduction in power consumption due to the generation of 1,113 MWh from the Sterling Hydroelectric Station. (DSEIR p. 4.5-9.) The annual electricity consumption of the Proposed Project is approximately double that consumed under the Realignment Alternative due to the additional facilities (Mockingbird and Clay Street pump stations). (*Ibid.*) The estimated increase in the use of electricity under the Proposed Project would be approximately 3.68 percent of the electricity used in San Bernardino and Riverside Counties by utilities for agriculture and water pumps (0.14 percent of the total energy use of San Bernardino and Riverside Counties). (*Ibid.*)

Regarding wind power, there are several factors to consider when determining feasibility. (DSEIR p. 4.5-10.) The main supply-side barriers to wind farm development are siting, permitting, resource adequacy, and noise and visual impacts according to survey results published in a California Energy Commission ("CEC") study. (*Ibid.*) The most important issue

with wind power is resource adequacy (i.e., strong winds). To find adequate winds in Riverside County, wind power systems are located in open areas such as the areas near Whitewater and Desert Hot Springs, rather than within urbanized areas. (*Ibid.*) Noise and visual impacts can also restrict wind power development near residential areas. Residential areas are particularly sensitive to both noise and aesthetic impacts. (*Ibid.*) The pipeline portions of the project are located mostly in streets which would not allow for wind turbines. (*Ibid.*) The well fields and pump station sites are located in areas adjacent to existing residences and/or commercial development. These combined factors make small wind power infeasible for the project. (*Ibid.*)

According to another report from the CEC, there are no geothermal projects or prospects in Riverside County, with the nearest resources in Imperial County and one site in Ventura County. (*Ibid.*) Therefore, on-site renewable wind or geothermal energy generation is not feasible for this project, but these systems are part of the strategy for Greenhouse Gas (“GHG”) emissions reductions that will be achieved by the energy sector in the fulfillment of AB 32. (*Ibid.*) Once electricity providers increase their use of renewable energy, a greater proportion of the energy provided to the Proposed Project will be made up of renewable energy and there will be a further reduction in the Project’s projected energy-related GHG emissions. (DSEIR pp. 4.5-10.) On-site generated biogas is not feasible for a project of this nature. (*Ibid.*) Biogas technology is more appropriate for projects that produce and store large quantities of biomass such as wastewater treatment plants, landfills, and animal manure from dairy farms. (DSEIR p. 4.5-10–11.) However, landfill gas capture and reuse is currently being developed by the California Air Resources Board (CARB) and the California Integrated Waste Management Board (CIWMB). (*Ibid.*) Once electricity that is generated by biogas facilities becomes available, that energy will feed the transmission grid and will be available for use by the Proposed Project. (*Ibid.*)

This represents a very small amount compared to comparable uses and electricity use in the region as a whole and therefore, it does not result in a substantial increase in the use of fossil fuels such as coal and natural gas, which are used to produce power; less than significant impacts will result. (*Ibid.*) However, to further minimize consumption, Mitigation Measures MM Air 5 and 6, and MM Energy 1 shall be implemented for the Proposed Project. (*Ibid.*)

2. Impact: The Proposed Project would have a less than significant impact on local and regional energy supplies and energy resources. (DSEIR p. 4.5-11.) However, Mitigation Measures will be imposed to further reduce this less than significant impact. (*Ibid.*)

Finding: Although the energy impact is less than significant, the implementation of the following Mitigation Measures will mitigate this impact even further. (DSEIR p. 4.5-11–12.)

**MM Energy 1** Hydroelectric generating stations shall be constructed as part of the Mockingbird and Clay Street Connections pump station facilities.

**MM Air 5** To address the CAPCOA White Paper on CEQA and Climate Change (CAPCOA) MM E-1 and reduce energy use, high-efficiency pumps shall be used within the project facilities. Pumps shall be selected based on the optimal pump to use for the particular

application (i.e. location, hydrology, size, purpose, etc.). This results in low energy use for the application. The Project will use pumps that are as energy efficient as possible without sacrificing performance. (DSEIR p. 4.2-66.)

**MM Air 6** To reduce consumption due to all non-pumping related energy, solar generation is required for lights, timers, landscape irrigation systems, and all other non-pumping energy uses. (*Ibid.*)

Supporting Explanation: The level of energy consumption by the Proposed Project is small, substantially less than one (1) percent of total consumption in the two-county region. (DSEIR p. 4.5-11.) The implementation of MM Energy 1, and MM Air 5 and 6 will reduce the projected level of consumption of the Proposed Project even further. (*Ibid.*) Neither the City of Riverside nor SCE commented on possible shortages in electricity supplies with respect to the Proposed Project during the NOP/NOI comment period. (*Ibid.*) Based on the varied sources and level of power supplies available to SCE and City of Riverside, and WMWD's implementation of its IRWMP, it is anticipated that the estimated levels of consumption will result in a less than significant adverse effect on local and regional energy supplies and energy. (*Ibid.*)

## **B. LAND USE AND PLANNING**

1. Impact: The Proposed Project does not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (DSEIR p. 4.9-4.)

Supporting Explanation: The Proposed Project will be constructed primarily within road rights-of-way within the City of Corona. (DSEIR p. 4.9-6.) A portion of Reach H traverses through the City of Corona, terminating at the intersection of Compton Avenue and Ontario Avenue. (*Ibid.*) The Proposed Project will be adjacent to the City of Corona on Indiana Avenue and on Neece Street, and will continue southwest into the City of Corona on Magnolia Avenue (including on Leeson Lane) from unincorporated Riverside County, south through an industrial park parking lot, southeast through the Corona Landfill, entering the north end of Belair Street, continuing south on Belair Street, west in Old Temescal Road, under Interstate 15, and south on Compton Avenue to the intersection of Compton Avenue and Ontario Avenue. (*Ibid.*) Corona General Plan Policy 1.15.2 allows for the development of new schools, parks, government, fire and police facilities, utility, and institutional uses in any location of the city, regardless of the Land Use Plan's designation, provided that the use is environmentally suitable and compatible with adjoining land uses, and adequate infrastructure can be provided. (DSEIR p. 4.9-10.)

The Proposed Project will be constructed primarily within road rights-of-way, a parking lot, and landfill property within the City of Corona. (*Ibid.*) Although the Corona General Plan contains no specific policies regarding the construction of regional infrastructure within the city, the general plan indicates that utility uses are allowed within any general plan land use

designation. (*Ibid.*) Additionally, the Proposed Project will not affect the ability of adjacent properties to be developed in accordance with the general plan land use designations applicable to those properties. (*Ibid.*) Therefore, it can be concluded that the Proposed Project will not conflict with the land use designations and policies of the Corona General Plan. (*Ibid.*)

A portion of the Central Feeder Connection of the Proposed Project will be constructed within the San Bernardino Avenue right-of-way within the City of Redlands. (DSEIR p. 4.9-11.) The proposed Central Feeder Connection will enter the City of Redlands from unincorporated San Bernardino County at the State Route 30/San Bernardino Avenue interchange and continue east within the San Bernardino Avenue right-of-way to the intersection of San Bernardino Avenue and Webster Street. (*Ibid.*)

The Proposed Project will be constructed within road rights-of-way within the City of Redlands. (*Ibid.*) The Redlands General Plan contains no policies regarding the construction of regional infrastructure within the city. (*Ibid.*) The Proposed Project will not affect the ability of adjacent properties to be developed in accordance with the general plan land use designations applicable to those properties. It can be concluded that the Proposed Project will not conflict with the land use designations and policies of the Redlands General Plan. (*Ibid.*)

A portion of the Mockingbird Connection is located in the City of Riverside. (DSEIR p. 4.9-19.) The pipeline will extend easterly within Irving Street, south of its intersection with Firethorn Avenue, and then east through pipeline easements on private property to connect to the proposed pump station and reservoir which will be located on a parcel acquired by WMWD. (*Ibid.*) The pipeline will then extend east within a pipeline easement and then south to unincorporated Riverside County. (*Ibid.*) Although the Riverside General Plan contains no specific policies regarding the construction of regional infrastructure within the city, the general plan acknowledges the Project and establishes policies for coordination between the city and water providers, such as WMWD. (*Ibid.*) The Project provides for coordination with the City of Riverside and provides opportunities for the interconnection of the City of Riverside's water system and the proposed pipelines. (*Ibid.*) Additionally, the Proposed Project will not affect the ability of adjacent properties to be developed in accordance with the general plan land use designations applicable to those properties. (*Ibid.*) Therefore, it can be concluded that the Proposed Project will not conflict with the land use designations and policies of the City of Riverside 2025 General Plan. (*Ibid.*)

### C. NOISE

1. Impact: The Proposed Project would have a less than significant impact on the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (DSEIR p. 4.10-15.)

Finding: Although the noise impact is less than significant, the implementation of the following Mitigation Measures will mitigate the impact even further. (DSEIR p. 4.10-15.)

**MM Noise 1** Based on the Acoustical Impact Analysis which shows that the 65 dBA Leq is slightly less than one-quarter mile from the pipeline alignment, a minimum of 30 days prior to commencement of

construction projects for all reaches and facilities, Western Municipal Water District shall identify all noise-sensitive receptors (e.g., residential dwellings, hotels, hospitals, nursing homes, schools and libraries) located within one-quarter mile of the active construction area. If construction is planned to occur within one-quarter mile of a sensitive receptor, the hours of construction shall be limited to those that would cause the least noise disruption to the sensitive uses and in consultation with the local jurisdiction. Mitigation could include such approaches as:

- Allowing nighttime construction in commercial/industrial areas or adjacent to schools which operate only during the day
- Prohibiting nighttime construction in residential areas
- Time of year construction, such as during a school holiday week
- If more than one sensitive receptor that might warrant opposite approaches to hours of operation is affected by the same construction location, the hours of construction allowed by local jurisdictions regulations shall apply.

(DSEIR p. 4.10-31.)

**MM Noise 1a** For portions of the Project to be constructed within the city of Riverside, the need for traffic detours has been identified as a possibility for some locations. If it is determined, once a detailed project alignment is finalized with the City for each segment of construction pursuant to **MM Trans 3b**, that there is no other option but to detour a significant amount of traffic to a street along which sensitive receptors are located, additional noise impacts analysis shall be completed to identify site-specific mitigation measures that are appropriate to the location in question. Some such potential mitigation approaches are outlined in MM Noise 1; the mitigation determined feasible shall be included in the Traffic Control Plan which has to be approved by the City prior to its issuance of the Encroachment Permit. (DSEIR p. 1.0-41)

**MM Noise 2** Although blasting does not exceed any noise standards because its duration is so short, as a courtesy to adjacent residents, Western Municipal Water District or its designee shall notify residences within one-quarter (1/4) of a mile of any areas that will require blasting, as to the timing and duration of any potential blasting activities associated with the project site. Notification shall take place between a minimum of five (5) and a maximum of ten (10) working days prior to anticipated blasting activity. (DSEIR p. 4.10-31.)

**MM Noise 4** The buildings housing pump stations shall be insulated and contain sound attenuation materials to meet local noise standards. (DSEIR p. 4.10-32.)

Supporting Explanation: The Project’s pipeline component will be placed entirely underground and inherently does not generate noise. (DSEIR p. 4.10-15.) Additionally, the reservoir component, once operational, also inherently does not generate noise. (*Ibid.*) The two pump stations (at the Clay Street and Mockingbird Connections) will be fully contained within masonry block enclosures. (*Ibid.*) To assure that this occurs, MM Noise 4 shall be implemented. (*Ibid.*) Therefore, operation of the completed Project will not result in or cause noise levels that exceed established standards. (*Ibid.*)

During the construction of the Project, some blasting activities will take place which may be considered disruptive to nearby residents. (*Ibid.*) However, these noise levels do not exceed any noise regulation because they are so short in duration. (*Ibid.*) However, in order to further mitigate the impacts from these activities on local residents to an even lesser less-than-significant level, MM Noise 2 shall be implemented. (*Ibid.*)

**SECTION 3: RESOLUTION REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**

The Board of Directors hereby finds that Mitigation Measures have been identified in the SEIR and this Resolution which will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the Mitigation Measures which will reduce them to a less than significant level are as follows:

**A. AESTHETICS/VISUAL**

1. Impact: The Proposed Project would adversely affect scenic/aesthetic resources, including, but not limited to, trees, rocks, outcroppings, and historic buildings during construction. (DSEIR pp. 4.1-9–10.) However, with mitigation, impacts would be less than significant. (*Ibid.*)

Finding: The following Mitigation Measures will mitigate potential aesthetic impacts to less than significant levels. (DSEIR p. 4.1-13–14.)

**MM Aes 1** Plants and trees removed or damaged by the Proposed Project shall be replaced pursuant to the standards and requirements of each jurisdiction within which the loss or damage occurs. (DSEIR p. 4.1-13.)

**MM Aes 2** The location of all existing mature trees, palms, and other landscaping shall be noted on the construction drawings that will be prepared for this project to facilitate review and proper permitting by the affected jurisdiction. Generally, a mature wood tree is considered to have a diameter of 8-10 inches or more at 4½ feet off the ground. A palm tree is considered to be mature at 25 feet or more in height. Citrus trees are mature when commercial levels of fruit-bearing occur at about 5 to 7 years. (*Ibid.*)

- MM Aes 3** If construction activities that require digging are located closer than eight feet from a mature palm (over 25 feet in height) a certified arborist shall evaluate the specific palm(s) to determine if the palm can remain in place, be relocated successfully or if project redesign may be warranted. If the palm must be removed, replacement shall be pursuant to the requirements of the jurisdiction within which the palm(s) is/are located. ( DSEIR p. 4.1-14)
- MM Aes 4** If construction activities that require digging are located closer than thirty feet from the drip line of a mature wood tree, a certified arborist shall evaluate the specific tree(s). The arborist will recommend the course of action most likely to preserve the tree including but not limited to trimming to help with stability, no action and the tree remains in place as is, project redesign, or the means to achieve a successful relocation. If the tree must be removed, replacement shall be pursuant to the requirements of the jurisdiction within which the tree(s) is/are located. (DSEIR p. 4.1-14.)
- MM Aes 5** To minimize the visual impact of a large reservoir/tank from public roads and hilltops in the vicinity, the Mockingbird Connection tank shall be buried and backfilled with dirt to where no more than three (3) feet of tank is visible. The top of the tank need not be buried, so as to allow for maintenance access. The disturbed and manmade slopes around the tank shall be stabilized and re-landscaped with a palette of plants consistent with the plant mix that is established as part of the revegetation requirements for the site, as determined by WMWD and the US Fish and Wildlife Service during Section 7 Consultation. Prior to the approval of grading plans, the grading and landscape plans for the reservoir/tank will be reviewed by WMWD and the City of Riverside. (*Ibid.*)
- MM Aes 6** To minimize the visual impact of above-grade facilities associated with pump/booster stations, all the pump/booster stations shall be enclosed and/or screened within a building, walls or fencing, and with landscaping. Prior to building plans, pump enclosure plans and landscape plans will be reviewed by WMWD. (*Ibid.*)

- Mockingbird Connection—Reservoir and Booster Station

Supporting Explanation:

The Mockingbird Connection includes the construction of a reservoir and related booster station in addition to the proposed pipeline. (DSEIR p. 4.1-10.) The proposed reservoir and booster station would be located on Lot 20 of approved Tentative Tract No. 34059 in the City of Riverside. (*Ibid.*) This lot includes granite outcroppings typical of those found throughout Tentative Tract No. 34059 and in the surrounding area. (*Ibid.*) The proposed reservoir and booster station have the potential to require the removal of some of the outcroppings found on Lot 20, during construction activities. (*Ibid.*) However, the outcroppings located on the project

site have not been identified as significant scenic resources and, therefore, the potential impact upon rock outcropping is considered to be less than significant. (*Ibid.*)

The Mockingbird Connection is located within the City of Riverside. (*Ibid.*) The city's general plan contains policies that recognize the value of ridgelines, hillsides and arroyos as significant natural and visual resources and that control the grading of land to limit the potential negative aesthetic impact of excessive modification of natural landforms. (*Ibid.*) The proposed Mockingbird Connection will place a reservoir and booster station on a hilly terrain. (*Ibid.*) The tank has only a very preliminary design at this point, based on the sighting study. The tank is proposed to be 20 to 32 feet in height and 206 to 163 feet in diameter. (A lower height requires a larger diameter and conversely, a taller tank requires a smaller diameter.) The top of the tank is not planned to be covered with dirt, however, all sides will be buried into the natural slope or covered with dirt and landscaped. (*Ibid.*) The pump station which is also planned for the same lot as the tank will be within a 94' x 50' pump station building to be located on the previously approved residential pad that the City of Riverside has approved for this lot. (*Ibid.*)

The hill on Lot 20 where the tank is proposed (at the 1,200-foot elevation) is not currently visible from very many public locations including streets in the vicinity and the California Citrus State Historic Park, as described in the following paragraph. (*Ibid.*) The existing hill on Lot 20 may be visible from some private residences to the south in the Regency Ranch development, possibly from immediately adjacent residences on Irving Street, Monroe Street or Croyance Drive, and from homes located over three-quarters of a mile away and west of Van Buren Boulevard off of Ridge Road. (DSEIR pp. 4.1-10-11.) The pump station site on Lot 20 is lower than the reservoir/tank site and would not be visible to most private homes in the area or any public streets. (DSEIR p. 4.1-11.)

The proposed tank site is not visible from Van Buren Boulevard due to the elevation differences, citrus groves and intervening hills, except for a very short stretch in the vicinity of Equestrian Drive and Ridge Road; the distance from the site and intervening landscape features do not allow Lot 20 to hold a prominent place in the viewshed. (*Ibid.*) Other public streets in the area from which Lot 20 is not visible include: Firethorn Avenue, Monroe Street, Gratton Street, Heather Lane, Coteau Drive, and most of Irving Street. (*Ibid.*) The top of the hill on Lot 20 is visible from about a 100-foot stretch of Irving Street southeast of Firethorn Avenue and from the existing terminus of Constable Road at the southern boundary of TT 34059. (*Ibid.*)

The tank site is not visible from any portion of the Citrus State Historic Park that abuts Irving or Jackson Streets. (*Ibid.*) The highest point in the park is located over 1 ¼-mile northwest of the tank site and so intervening landscaping interrupts any possible views from what would be the best vantage point in the park. (*Ibid.*)

If the tank were placed atop the existing hill (i.e. not buried or "at-grade") it would create a significant change in the aesthetics of the current setting without mitigation. (*Ibid.*) In order to reduce the visual impact of the reservoir if it were placed at-grade, the reservoir will be buried into the hillside on the uphill side of the reservoir, and soil will be backfilled against any exposed sides of the reservoir in order to recreate a natural hillside appearance to the reservoir. (*Ibid.*) This design feature, which is also required by mitigation measure MM Aes 5, will reduce the

potential visual impacts of the reservoir to less than significant levels. (*Ibid.*) Mitigation measure MM Aes 6, which requires that above-grade facilities associated with pump/booster stations shall be enclosed and/or screened with landscaping, walls or fencing, will reduce the potential visual impacts of the booster station to less than significant levels. (*Ibid.*)

- Clay Street Connection Site—Booster Stations

Supporting Explanation:

The Clay Street Connection site is located within an area containing existing development and vacant properties. (*Ibid.*) The potential booster station sites do not contain scenic resources. (*Ibid.*) However, in order to reduce the potential visual impact of the booster station facilities upon surrounding properties, this facility will also be subject to the screening/landscaping requirements set forth in mitigation measure MM Aes 6. (*Ibid.*)

- Scenic Views/Landscaping Along Victoria Avenue

Supporting Explanation:

The most sensitive aesthetic resource that may be impacted by the Proposed Project is the Designed Landscaping along Victoria Avenue within the City of Riverside. (DSEIR p. 4.1-13.) Victoria Avenue (the avenue), within the City of Riverside, is listed on the National Register of Historic Places and is a local City Historic Landmark. (DSEIR p. 4.1-7.) The portion of the avenue that is located between Arlington Avenue and Boundary Lane is the portion on the National Register. (*Ibid.*) The City Landmark also includes the portion of the avenue between Arlington Avenue and Myrtle Avenue. (*Ibid.*) One of the stated objectives of the city's general plan is to "[p]rotect Victoria Avenue from any development or other potential changes contrary to its status as a major historic and community asset." (Objective LU-13) Policies contained in the general plan's Land Use Element are for the city to adopt strong measures to protect Victoria Avenue's signature landscaping (Policy LU-13.3) and to establish Victoria Avenue as a linear park (Policy LU-13.6). (*Ibid.*)

The landscaping along this street is one of the primary reasons for its designation on the National Register of Historic Places. (DSEIR p. 4.1-13.) The Proposed Project will cross Victoria Avenue at its intersection with either Jackson Street or Monroe Street. (*Ibid.*) Loss of the historic landscape along Victoria Avenue would be considered significant both aesthetically and historically. (*Ibid.*) Additionally, the Proposed Project also has the potential to impact citrus and palm trees located along the Mockingbird Connection. (*Ibid.*) These trees may be considered significant visual resources by the City of Riverside and/or California State Parks. (*Ibid.*) Palm trees located along San Bernardino Avenue, which may be impacted by construction of the Central Feeder Connection are considered to be significant visual resources by the San Bernardino County and the City of Redlands. (*Ibid.*)

The exact location of the Project's pipelines within any given street will be determined as construction documents are prepared and therefore it is not known whether pipeline construction will impact visually important mature palm trees and/or wood trees. (*Ibid.*) However,

implementation of mitigation measures MM Aes 1 through MM Aes 4 will reduce potential impacts to less than significant levels. (*Ibid.*)

## **B. BIOLOGICAL ENVIRONMENT**

1. Impact: With mitigation, the Proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Wildlife Service: Parry's spineflower, California satin tail, chaparral sand-verbena, prairie wedge grass, Robinson's pepper-grass, smooth tarplant, Delhi-sands flower-loving fly, arroyo chub, Santa Ana speckled dace, Santa Ana sucker, burrowing owl, least Bell's vireo, loggerhead shrike, long-eared owl, southwestern willow flycatcher, western yellow billed cuckoo, white-tailed kite, yellow-breasted chat, yellow warbler, American badger, Los Angeles pocket mouse, San Diego black-tailed jackrabbit, coast (San Diego) horned lizard, orange-throated whiptail, Southwestern pond turtle, two-striped garter snake, northern red-diamond rattlesnake, coastal California gnatcatcher, golden eagle, northern harrier, northwestern San Diego pocket mouse, and southern grasshopper mouse. (DSEIR pp. 4.3-39)

Finding: The following Mitigation Measures will mitigate potentially significant biological impacts to less than significant. (DSEIR pp. 4.3-43--.)

### **MM Bio 1**

In Reach A or Central Reach crossings of the Santa Ana River, the dewatering activities shall take place during the period from October 1 through the end of February. This is within the season when the dominant plant species of these riparian communities are dormant. Dewatering outside of this period could subject these communities to stress, desiccation, and potential defoliation. In addition, adherence to this suggested schedule avoids the generally accepted breeding chronology for nesting by the least Bell's vireo and southwestern willow flycatcher in southern California (USFWS b, Sogge *et al.*), obviating the need for focused surveys that may be required, due to the project's potential to have significant noise impacts to these two listed migratory species. This suggested schedule also avoids the breeding season of the federally listed arroyo toad, generally regarded as mid-March through July 1 (USFWS c), thereby avoiding potential impacts to this species as well. Impacts to the arroyo toad during the breeding season would be direct, including physical damage to mature individuals and interference with breeding activities. Should it not be feasible to adhere to this schedule, additional mitigation measures are required, as specified below. (DSEIR p. 4.3-44.)

### **MM Bio 3a**

Should construction occur during the breeding season for the least Bell's vireo (LBV) or southwestern willow flycatcher (SWWF) (March 15 through September 15), protocol-level surveys shall be

conducted prior to construction at the following locations: the Santa Ana River (Reach A or Central Reach), Spring Brook wash (Reach B), the riparian vegetation along the Mockingbird Canyon alignment (Reach E), potentially suitable habitat in the Northern Reach (as identified in the Glenn Lukos Associates, Inc. 2008 report), and the drainage located south of the Corona Landfill (Reach H); or presence can be assumed. If surveys document the presence of LBV and SWWF, impacts to LBV and SWWF would be mitigated below the level of significance when occupied riparian forest/woodland/scrub is fenced and direct impacts are avoided and construction within 500 feet of occupied habitat occurs only between September 15th and March 15th to avoid indirect impacts to nesting LBV. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with CDFG and the USFWS. The noise barrier shall attenuate noise levels to 60 dBA or less, at the edge of breeding habitat. If surveys indicate that these species are not present, this measure will not be required. Additional or alternative measures to avoid or minimize adverse project effects to LBV and SWWF, as identified by the USFWS in Section 7 Consultation and CDFG, shall be implemented. However, if all avoidance measures cannot be implemented such that “take” of LVB and SWWF is avoided, Take Authorization from USFWS through Final Biological Opinion and Incidental Take Statement and from CDFG through issuance of a CESA ITP or compliance with Fish and Game Code Section 2080.1, will be obtained. (DSEIR p. 4.3-44.)

**MM Bio 3b**

For the Santa Ana River (Central Reach), Spring Brook wash (Reach B), the riparian vegetation along the Mockingbird Canyon alignment (Reach E), potentially suitable habitat in the Northern Reach in Riverside County (as identified in the Glenn Lukos Associates, Inc. 2008 report), and the drainage located south of the Corona Landfill (Reach H) potential adverse effects to LBV and SWWF will be reduced to less than significant levels with WMWD participation in the MSHCP as a Participating Special Entity (PSE) and payment of MSHCP mitigation fees. If WMWD does not participate in the MSHCP as a PSE, compliance with MM Bio 3a in Riverside County is required. (*Ibid.*)

**MM Bio 4a:**

Should construction occur during the breeding season for the coastal California gnatcatcher (March 15 through September 15), a protocol-level survey shall be conducted prior to construction at Spring Brook wash (Reach B) and the Northern Reach (within Riverside County as identified in the Glenn Lukos Associates, Inc. 2008 report), in the vicinity of the Proposed Project; or presence can be assumed. Focused presence/absence surveys consist of either 1)

six surveys conducted no less than one week apart between March 15 and June 30 or 2) nine surveys conducted no less than two weeks apart during the remainder of the year. Surveys must be conducted by a biologist who holds the appropriate Section 10(a)(1)(A) permit. Surveys in which the species is not detected are considered valid for one year and should be repeated within one year of work commencing.

If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the presence of CAGN impacts to CAGN would be mitigated below the level of significance when occupied coastal sage scrub is fenced and direct impacts are avoided and construction within 500 feet of occupied habitat occurs only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with CDFG and the USFWS. The noise barrier shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat. Additional or alternative measures to avoid or minimize adverse project effects to CAGN, as identified by the USFWS in Section 7 Consultation, shall be implemented. However, if all avoidance measures cannot be implemented such that “take” of LVB and SWWF is avoided, Take Authorization from USFWS through Final Biological Opinion and Incidental Take Statement and from CDFG through issuance of a CESA ITP or compliance with Fish and Game Code Section 2080.1, will be obtained. (DSEIR p. 4.3-44-45.)

**MM Bio 4b**

For the Spring Brook wash crossing (Reach B) and Northern Reach of the project alignment in Riverside County potential adverse effects to CAGN will be reduced to less than significant levels with WMWD participation in the MSHCP as a PSE and payment of MSHCP mitigation fees. If WMWD does not participate in the MSHCP as a PSE, compliance with MM Bio 4a in Riverside County is required. (DSEIR p. 4.3-45.)

**MM Bio 5**

In addition to the use of the temporary noise barrier, a qualified on site noise monitor (approved by the local jurisdiction and WMWD) shall be present during all construction activities conducted near habitat that has been identified in the surveys to host the arroyo toad, least Bell’s vireo, southwestern willow flycatcher, or coastal California gnatcatcher. The noise monitor shall ensure through on site noise meter readings that the temporary barriers are effective at reducing construction noise to 60 dBA or less. If 60 dBA is exceeded, the noise monitor shall work with the Contractor to make

adjustments in the barriers or construction activities to reduce noise to 60 dBA or less. (*Ibid.*)

**MM Bio 15**

In San Bernardino County focused surveys shall be conducted within potentially suitable habitat for Chaparral sand-verbena, Parry's spineflower, Robinson's pepper-grass, and smooth tarplant within the Central Reach and for Parry's spineflower, Robinson's pepper-grass, and smooth tarplant within the Northern Reach (as identified in the Glenn Lukos Associates, Inc. 2008 report) by a qualified biologist during the flowering season of these species and prior to construction activities. If special status plant species are found to be present in the footprint, further measures as recommended by a qualified biologist shall to be taken to avoid or minimize adverse project effects to these species and their habitat. (DSEIR p. 4.3-46-47.)

**MM Bio 16a**

In San Bernardino County focused surveys shall be conducted within potentially suitable habitat for northwestern San Diego pocket mouse and Los Angeles pocket mouse in the Northern Reach (as identified in the Glenn Lukos Associates, Inc. 2008 report) by a qualified biologist during the appropriate season of these species and prior to construction activities. If these species are found to be present in the footprint, occupied habitat shall be fenced and avoided. If occupied habitat cannot be avoided further measures as recommended by a qualified biologist and in consultation with the California Department of Fish and Game shall to be taken to avoid or minimize adverse project effects to these species and their habitat. (DSEIR pp. 4.3- 47.)

**MM Bio 16b**

In Riverside County potential adverse effects to northwestern San Diego pocket mouse and Los Angeles pocket mouse in the Northern and Central Reaches (as identified in the Glenn Lukos Associates, Inc. 2008 report) will be reduced to less than significant levels with WMWD participation in the MSHCP as a PSE and payment of MSHCP mitigation fees. If WMWD does not participate in the MSHCP as a PSE, compliance with MM Bio 16a within Riverside County is required. (*Ibid.*)

**MM Bio 17**

If WMWD does not participate in the MSHCP as a PSE a pre-Construction presence/absence surveys for western burrowing owl (BUOW) shall be conducted in suitable habitat along the Northern and Central Reaches and Monroe Alternative (as identified in the Glenn Lukos Associates, Inc. 2008 report). Surveys shall be conducted within 30 days prior to disturbance and in accordance with the California Department of Fish and Game and California Burrowing Owl Consortium guidelines. Take of active nests shall be

avoided. Passive exclusion (use of one way doors and collapse of burrows) will occur if owls are present outside of the nesting season. (The nesting season is February 1 through August 31). If WMWD does participate in the MSHCP as a PSE, a focused survey for burrowing owl following current survey protocol (approved by RCA) shall be conducted in suitable habitat along the Northern and Central Reaches and Monroe Alternative (as identified in the Glenn Lukos Associates, Inc. 2008 report). (*Ibid.*)

**MM Bio 18**

To offset the loss of burrowing owl foraging and burrow habitat from construction of the Mockingbird Tank and Clay Street Pump Station, a minimum of 6.5 acres of foraging habitat per pair or unpaired resident bird, shall be acquired and permanently protected if WMWD does not participate in the MSHCP as a PSE. The protected lands shall be adjacent to occupied burrowing owl habitat and at a location acceptable to CDFG. The project sponsor shall provide funding for long-term management and monitoring of the protected lands. The monitoring plan shall include success criteria, remedial measures, and an annual report to CDFG. Acquisition and protection of mitigation property shall be conducted in accordance with the CDFG Staff Report on Burrowing Owl Mitigation, October 17, 1995 and/or consultation with CDFG. If WMWD does participate in the MSHCP as a PSE, to offset the loss of occupied burrowing owl habitat conservation of habitat shall be provided in accordance with Species Accounts, Burrowing Owl Objective 5 and payment of MSHCP mitigation fees. (*Ibid.*)

**MM Bio 19**

In San Bernardino County within potentially suitable habitat in the Northern Reach (as identified in the Glenn Lukos Associates, Inc. 2008 report), presence of this species can be assumed or focused coastal California gnatcatcher (CAGN) surveys are required following United States Fish and Wildlife (USFWS) protocol. Focused presence/absence surveys consist of either 1) six surveys conducted no less than one week apart between March 15 and June 30 or 2) nine surveys conducted no less than two weeks apart during the remainder of the year. Surveys must be conducted by a biologist who holds the appropriate Section 10(a)(1)(A) permit. Surveys in which the species is not detected are considered valid for one year and should be repeated within one year of work commencing. If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the presence of CAGN impacts to CAGN would be mitigated below the level of significance when occupied coastal sage scrub is fenced and direct impacts are avoided and construction within 500 feet of occupied habitat occurs only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not

feasible additional measures to avoid or minimize adverse project effects to CAGN, as identified by the USFWS in Section 7 Consultation, shall be implemented. (DSEIR pp. 4.3-48.)

**MM Bio 20a**

In San Bernardino County within potentially suitable habitat for Delhi sands flower-loving fly (DSF) in the Northern Reach of the project alignment (as identified in the Glenn Lukos Associates, Inc. 2008 report) focused surveys shall be conducted following USFWS protocol by a qualified biologist who holds the appropriate Section 10(a)(1)(A) permit. Presence/absence surveys consist of bi-weekly surveys from August 1 to September 20 for a two-year period within areas of suitable habitat. If surveys document the presence of DSF impacts to DSF would be mitigated below the level of significance when occupied habitat is fenced and direct impacts are avoided. If avoidance is not feasible additional measures to avoid or minimize adverse project effects to DSF and their habitat, as identified by the USFWS in Section 7 Consultation, shall be implemented. The additional measures may include, but not be limited to, some or all of the following:

- Avoid impacts where possible by shifting the project location or construction timing.
- Maintain construction sites in sanitary conditions at all times.
- Avoid sensitive habitats by placing construction staging areas as far away from them as is feasible.
- Place extracted, surplus, suitable Delhi sands in current DSF conservation areas/banks.
- Harvest sands and provide to a habitat bank established for the DSF.

(DSEIR p. 4.3.48.)

**MM Bio 20b**

For the northern reach of the project alignment in Riverside County Potential adverse effects to DSF will be reduced to less than significant levels with WMWD participation in the MSHCP (including compliance with Species Accounts, Delhi Sands flower-loving fly Objective 1B) as a PSE and payment of MSHCP mitigation fees. If WMWD does not participate in the MSHCP as a PSE, compliance with MM Bio 20a is required. (*Ibid.*)

**MM Bio 21a**

In San Bernardino County within potentially suitable habitat for the Santa Ana sucker (SAS) in the Central and Northern Reach of the project alignment (as identified in the Glenn Lukos Associates, Inc.

2008 report) focused surveys shall be conducted following USFWS protocol by a qualified biologist who holds the appropriate Section 10(a)(1)(A) permit. Focused surveys for SAS shall also include presence/absence of arroyo chub and Santa Ana speckled dace. If surveys document the presence of SAS impacts to SAS would be mitigated below the level of significance when occupied habitat is fenced and direct impacts are avoided and Best Management Practices ensure that no change in water quality will occur during or after construction. If surveys document absence of SAS, arroyo chub, and Santa Ana speckled dace no additional avoidance or minimization measures are required. If avoidance is not feasible additional measures to avoid or minimize adverse project effects to SAS and their habitat, as identified by the USFWS in Section 7 Consultation, shall be implemented. The additional measures may include, but not be limited to, some or all of the following:

- Avoid impacts where possible by shifting the project location or construction timing.
- Construction sites should be maintained in sanitary conditions at all times.
- Avoid sensitive habitats by placing construction staging areas as far away from them as is feasible.

Implementation of the mitigation measures for SAS would be expected to reduce potentially significant impacts to arroyo chub and Santa Ana speckled dace below a level of significance. (DSEIR pp. 4.3-48-49.)

**MM Bio 21b**

For the Central and Northern Reaches of the project alignment in Riverside County, potential adverse effects to SAS will be reduced to less than significant levels with WMWD participation in the MSHCP as a PSE and payment of MSHCP mitigation fees. If WMWD does not participate in the MSHCP as a PSE, compliance with MM Bio 21a is required. (DSEIR p. 4.3-49.)

**MM Bio 22**

The removal of potential nesting vegetation of sensitive bird species will be conducted outside of the nesting season (February 1 to August 31) to the extent that this is feasible. If vegetation must be removed during the nesting season, a qualified biologist will conduct a nesting bird survey of potentially suitable nesting vegetation prior to removal. Surveys will be conducted no more than three (3) days prior to scheduled removals. If active nests are identified, the biologist will establish buffers around the vegetation containing the active nest 500 feet for raptors and 200 feet for non raptors). The

vegetation containing the active nest will be removed, and no grading will occur within the established buffer, until a qualified biologist has determined that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). If clearing is not conducted within three days of a negative survey, nesting survey must be repeated to confirm the absence of nesting birds. (*Ibid.*)

**MM Bio 23** Temporary impacts from construction activities and permanent impacts from development of the Mockingbird Tank site on occupied Stephens' kangaroo rat habitat will be mitigated through payment of the Riverside County Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) Mitigation Fees. (*Ibid.*)

**MM Bio 24** Section 7 Consultation with USFWS or participation in the MSHCP as a Participating Special Entity (PSE) shall be completed for temporary impacts (both direct and indirect) from construction activities and permanent impacts from development of the Mockingbird Tank site on occupied California gnatcatcher habitat. Mitigation for the loss of occupied habitat will be achieved by acquisition of replacement habitat at a 1:1 ratio that is biologically equivalent to the property being disturbed, as agreed upon by USFWS or compliance with the MSHCP and payment of MSHCP mitigation fees. (*Ibid.*)

Supporting Explanation: Project-related impacts can occur in two forms, direct and indirect. (DSEIR p. 4.3-34.) Direct impacts are considered to be those that involve the loss, modification, or disturbance of plant communities, which in turn, directly affect the flora and fauna of those habitats. (DSEIR p. 4.3-34.) Direct impacts also include the destruction of individual plants or wildlife, which may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and population stability. (*Ibid.*)

Other impacts, such as loss of foraging habitat, can occur, although these areas or habitats are not directly removed by project development; i.e., indirect impacts. (*Ibid.*) Indirect impacts can also involve the effects of increases in ambient levels of noise or light, unnatural predators (i.e., domestic cats and other non-native animals), competition with exotic plants and animals, and increased human disturbance such as hiking and dumping of green waste on site. Indirect impacts may be associated with the subsequent day-to-day activities associated with project usage, such as increased traffic use, permanent concrete barrier walls or chain link fences, exotic ornamental plantings that provide a local source of seed, etc., which may be both short-term and long-term in their duration. (*Ibid.*) These impacts are commonly referred to as "edge effects" and may result in a slow replacement of native plants by exotics, and changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundances in habitats adjacent to project sites. (DSEIR pp. 4.3-35.)

### *Special-Status Plant Species*

According to the Biological Report prepared by Glenn Lukos, several special-status plant species were found to have limited potential to occur within the Northern or Central Reaches of the Proposed Project including California satintail, chaparral sand-verbena, Parry's spineflower, prairie wedge grass, Robinson's pepper-grass, and smooth tarplant. (*Ibid.*) No potential for special status plant species would occur within the Monroe Alternative Alignment. (*Ibid.*)

The California satintail and prairie wedge grass were determined to have limited occurrence potential at the proposed Santa Ana River crossing. (*Ibid.*) The chaparral sand-verbena was identified as having limited occurrence potential within areas containing sandy soils in sage-scrub, and chaparral. (*Ibid.*) The Parry's spineflower was determined to have the potential to occur within areas containing sandy or rocky soils in open habitats of chaparral and coastal sage scrub. (*Ibid.*) Robinson's pepper grass was determined to have low potential to occur on site in scattered coastal sage scrub areas. (*Ibid.*) Smooth tarplant was identified as having low occurrence potential and would be located in areas with alkaline soils in chenopod scrub, meadows and seeps, playas, riparian woodland, valley and foothill grasslands, and disturbed habitats. (*Ibid.*)

Potential impacts to California satintail and Prairie wedge grass will be avoided through design considerations. (*Ibid.*) Jack and bore construction will be used for pipeline installation across the Santa Ana River. (*Ibid.*) Due to the disturbed nature of the pipeline and alignment and the limited area of linear construction impact, the Proposed Project is not anticipated to result in a significant loss of habitat for Chaparral sand-verbena, Parry's spineflower, Robinson's pepper-grass, and smooth tarplant. (*Ibid.*) To further identify the potential direct impacts to these species (number of plants and/or area impacted), focused surveys are required for these species during their flowering season and prior to construction. (*Ibid.*) If these plants occur within the construction footprint, impacts to these species may be considered significant. (*Ibid.*) However, with implementation of MM Bio 15, impacts to special status plant species are considered less than significant.

The biological assessments for the Central Feeder Connection, Clay Street Connection, Mockingbird Connection, and La Sierra Pipeline Connection show that due to lack of suitable habitat, no special-status plant species will be impacted by the Proposed Project. (*Ibid.*)

### *Special-Status Wildlife Species*

No special-status animal species were observed within the area of the Proposed Project during field studies; however, 26 special-status animal species have the potential to occur within the study areas. (*Ibid.*) The Monroe Alternative Alignment has no potential to support special status fish, reptiles, or mammals. (*Ibid.*)

The Proposed Project would consist mainly of temporary construction impacts. (DSEIR p. 4.3-36.) After construction, the disturbed area would be returned to level soil conditions and be allowed to return to its natural state. (*Ibid.*) Within the project area, American badger, if present, would only use the alignment area for foraging. (*Ibid.*) The area would represent a very

small proportion of the badgers foraging range, and the temporary loss of habitat during construction would be considered less than significant. (*Ibid.*) The San Diego black-tailed jackrabbit was not observed during the habitat assessments. (*Ibid.*) According to the Biological Report, if black-tailed jackrabbit are present, the species is present only in very low densities; and, potential temporary impacts to occupied habitat during project implementation would be considered less than significant. (*Ibid.*)

Southern grasshopper mouse, northwestern San Diego pocket mouse, and Los Angeles pocket mouse have potential to occur within the seven acres of Riversidean Sage Scrub habitat along the Project alignment (Northern and Central Reaches). (*Ibid.*) If those species are not present or occupied habitat is avoided, impacts would be less than significant. (*Ibid.*) If present, potential impacts to Los Angeles pocket mouse and northwestern San Diego pocket mouse may be significant without mitigation. (*Ibid.*) With implementation of MM Bio 16a and 16b, potential impacts to northwestern San Diego pocket mouse and Los Angeles pocket mouse are considered less than significant.

Stephens' kangaroo rats (SKR) have the potential to occur within grasslands of the Mockingbird Tank Site project area. (*Ibid.*) Due to presence of suitable habitat, focused surveys for SKR were conducted in December 2009. (*Ibid.*) Based on the trapping results, SKR occur on portions of the site, and there will be direct impacts to SKR as a result of implementation of the Project. (*Ibid.*) All of Lot 20 (within which the Mockingbird tank and pump station would be built) and related pipeline construction are located within occupied SKR habitat. (*Ibid.*) The occupied habitat within Lot 20 and the proposed pipeline totals 6.4 acres. (*Ibid.*) The total occupied habitat within the APE equals 13.8 acres; however, while not all of this area will be disturbed by the project, indirect effects could result. (*Ibid.*)

If occupied habitat is avoided, impacts would be less than significant. (*Ibid.*) If present, potential impacts to SKR may be significant without mitigation. (*Ibid.*) With implementation of MM Bio 23, potential impacts to SKR are considered less than significant.

The Proposed Project contains suitable habitat for burrowing owl. (*Ibid.*) However, no burrowing owls were identified within the Proposed Project. (*Ibid.*) Due to the disturbed nature of the pipeline alignment and the limited area of linear construction impact, the Proposed Project is not anticipated to result in a significant loss of habitat for burrowing owl. (*Ibid.*) Wintering season and nesting season focused protocol surveys were conducted in suitable burrowing owl habitat within the Central Reach in December 2008 and in March and April 2009 by Glenn Lukos Associates, Inc. (*Ibid.*) No burrowing owls were observed during these survey efforts in the Proposed Project area or the 500-foot buffer area. (*Ibid.*) Potential burrows were identified but did not contain diagnostic sign of burrowing owl. (*Ibid.*) Although burrowing owls were not observed during these survey efforts, construction activities could adversely impact burrowing owls if they establish active nests within the project alignment prior to construction. (*Ibid.*) Construction noise and activity may disrupt normal breeding and nesting patterns or activities of this species. (*Ibid.*) MM Bio 17 is required to reduce potential impacts from construction of the Project on burrowing owls to less than significant levels. (*Ibid.*)

Burrowing owl has the potential to occur within suitable habitat adjacent to and/or within the footprints of the Central Feeder Connection, Clay Street Connection, and Mockingbird Connection project areas. (DSEIR p. 4.3-37.) Due to the disturbed nature of the pipeline alignment and the limited area of linear construction impact, installation of the pipeline is not anticipated to result in a significant loss of habitat for burrowing owl. (*Ibid.*) However, construction of the Mockingbird Tank and Clay Street Booster Station could result in the loss of foraging and burrow habitat, a potentially significant impact. (*Ibid.*) Signs (pellets and suitable burrows) of burrowing owl presence were observed by the Brian F. Smith biologist during the Biological Assessment conducted in October 2009. (*Ibid.*) Due to the presence of suitable habitat, wintering season protocol focused surveys for burrowing owl were conducted by Brian F. Smith and Associates during January and February of 2010. (*Ibid.*) Within the Mockingbird Connection area, suitable habitat was encountered in several locations; however, neither burrowing owls nor evidence of their presence were observed. (*Ibid.*) A nesting season survey (February 1 through August 31) will need to be conducted to confirm the presence/absence of burrowing owls at the Mockingbird Connection site. (*Ibid.*) The Clay Street Connection area showed some marginal burrowing owl habitat; however, due to lack of suitable habitat, only pre-construction surveys would be required for both the Clay Street Connection and the Central Feeder Connection. (*Ibid.*) MM Bio 17 and MM Bio 18 are required to reduce potential impacts from the Project construction on burrowing owls to less than significant levels. (*Ibid.*)

The coastal California gnatcatcher, a federally-listed threatened species has the potential to occur in association with approximately seven acres of coastal sage scrub habitat scattered throughout the Northern Reach of the Proposed Project. (*Ibid.*) Coastal California gnatcatcher is not expected to occur within the Central Reach or Monroe Alternative alignments, due to the lack of suitable habitat. (*Ibid.*) The temporary impacts from construction activities or permanent loss of occupied habitat would constitute a take of coastal California gnatcatcher, and would require authorization from USFWS. (*Ibid.*) Any take of coastal California gnatcatcher would be expected to be a significant impact prior to mitigation. (*Ibid.*) In order for the impact to be significant under CEQA, there would have to be a substantial adverse effect, either directly or through habitat modifications, on the coastal California Gnatcatcher. (*Ibid.*) MM Bio 19 and 24 below and MM Bio 4 and 5 of the 2005 PEIR are required to reduce potential impacts from project construction on coastal California gnatcatcher to less than significant levels. (*Ibid.*)

The coastal California gnatcatcher also has the potential to occur in association with the Mockingbird Tank Site project area and adjacent to the La Sierra Pipeline Connection alignment. (*Ibid.*) Due to the presence of suitable habitat, focused surveys for coastal California gnatcatcher were conducted in December of 2009 and January of 2010 at the Mockingbird Tank Site. (*Ibid.*) One pair of gnatcatchers was detected in a northern patch of Riversidean sage scrub and the pair was observed on five of the nine visits to the Mockingbird Tank site. (*Ibid.*) The sightings were clustered in an approximately 15 acre area. (*Ibid.*) MM Bio 4a and 4b, MM Bio 5 and MM Bio 24 are required to reduce potential impacts from construction of the Project on coastal California gnatcatcher to less than significant levels. (*Ibid.*)

The Delhi sands flower-loving fly is a federally-listed endangered species with some potential to occur within the Proposed Project. (*Ibid.*) The Biological Report indicates records of Delhi sands flower-loving fly within the immediate vicinity of the Proposed Project and the

Northern Reach of the alignment supports approximately 70 acres of potentially suitable habitat. (DSEIR pp. 4.3-37–38.) The temporary or permanent loss of occupied habitat would constitute a take of Delhi sands flower-loving fly, and would require authorization from USFWS. (DSEIR p. 4.3-38.) Any take of Delhi sands flower-loving fly would be expected to be a significant impact prior to mitigation. (*Ibid.*) A focused survey shall be performed to determine presence or absence of Delhi sands flower-loving fly for suitable areas of the Northern Reach located in San Bernardino County. (*Ibid.*) If the habitat is not occupied by Delhi sands flower-loving fly, then impacts to the species would be less than significant. (*Ibid.*) If the habitat is occupied, take authorization from USFWS would be required. (*Ibid.*) MM Bio 20a and 20b are required to reduce potential impacts from the project construction on Delhi sands flower-loving fly to less than significant levels. (*Ibid.*) In Riverside County, the Project passes through criteria cells 22 and 55 which include Delhi sands suitable for DSF habitat. (*Ibid.*) Compliance with the MSHCP and payment of MSHCP fees will mitigate impacts to a level of less than significant within this portion of Riverside County. (*Ibid.*)

The least Bell's vireo is a federally-listed and state endangered species that is known to occur within the Santa Ana River (Central Reach) and has some potential to occur in association with southern willow scrub scattered throughout the Northern Reach. (*Ibid.*) The majority of potentially suitable habitat is associated with the Santa Ana River crossing. (*Ibid.*) The Central Reach traverses federally-designated critical habitat at the Santa Ana River. (*Ibid.*) Potential impacts to least Bell's vireo will be avoided through design considerations. (*Ibid.*) Jack and bore construction will be used for pipeline installation across the Santa Ana River. (*Ibid.*) The temporary or permanent loss of occupied habitat within the Northern Reach would constitute a take of least Bell's vireo, and would require authorization from USFWS. (*Ibid.*) Any take of least Bell's vireo would be expected to be a significant impact prior to mitigation. (*Ibid.*) Compliance with MM Bio 3a and 3b, and MM Bio 5 would reduce potential impacts from the Project construction on least Bell's vireo to less than significant levels. (*Ibid.*)

The southwestern willow flycatcher is a federally and state-listed endangered species and has some potential to occur in association with riparian forest scattered throughout the Northern Reach alignment of the Proposed Project. (*Ibid.*) The majority of potentially suitable habitat is associated with the Santa Ana River crossing (Central Reach). (*Ibid.*) Potential impacts to southwestern willow flycatcher will be avoided through design considerations. (*Ibid.*) Jack and bore construction will be used for pipeline installation across the Santa Ana River. (*Ibid.*) The temporary or permanent loss of occupied habitat within the Northern Reach would constitute a take of southwestern willow flycatcher, and would require authorization from USFWS and CDFG. (*Ibid.*) Any take of southwestern willow flycatcher would be expected to be a significant impact prior to mitigation. (*Ibid.*) With compliance with MM Bio 3a and 3b and MM Bio 5, impacts would be considered less than significant. (*Ibid.*)

The Santa Ana sucker, a federally-listed threatened species has some potential to occur in association with perennial streambed scattered throughout the Northern and Central Reaches of the proposed RCF realignment. (*Ibid.*) The arroyo chub and Santa Ana speckled dace are also known to occur within the same areas. (*Ibid.*) The Proposed Project also traverses federally-designated critical habitat at several locations, of which at least one occurs in San Bernardino County. (*Ibid.*) Potential impacts to these species in the Central Reach will be avoided through

design considerations. Jack and bore construction will be used for pipeline installation across the Santa Ana River. (*Ibid.*) The temporary or permanent loss of occupied habitat in the Northern Reach would constitute a take of Santa Ana sucker and would require authorization from USFWS. (*Ibid.*) Any take of Santa Ana sucker or permanent loss of occupied arroyo chub or Santa Ana speckled dace habitat in the Northern Reach would be expected to be a significant impact prior to mitigation. (*Ibid.*) With compliance with MM Bio 21a and 21b, impacts to sensitive fish species from construction of the northern segment would be considered less than significant. (DSEIR p. 4.3-39.)

Additionally, construction of the Proposed Project may result in the discharge of sediment and other construction by-products. (*Ibid.*) This will be minimized however, by compliance with the National Pollutant Elimination System (NPDES) General Construction Permit issued by the State Water Resources Control Board (SWRCB). (*Ibid.*) Coverage under the general construction permit requires that a storm water pollution prevention plan (SWPPP) be prepared prior to construction activities for sites with a disturbance area of one acre or more. (*Ibid.*) The SWPPP will incorporate applicable Best Management Practices (BMPs) to reduce loss of topsoil, substantial erosion, or discharge of polluted runoff associated with construction of the Project. (*Ibid.*) Compliance with the NPDES General Construction Permit, implementation of the SWPPP(s), and compliance with MM Water Qual 1 will minimize potential impacts to water quality and therefore potential indirect impacts to special status fish and other wildlife species from construction activities. (*Ibid.*)

The Proposed Project has the potential to remove vegetation (i.e., trees, shrubs, and groundcover) suitable habitat for nesting migratory birds, including raptors. (*Ibid.*) Impacts to such species are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. (*Ibid.*) Mitigation measures, including seasonal avoidance of vegetation removal and/or nesting bird surveys will ensure that migratory birds (and their nests) will not be directly harmed. (*Ibid.*) Impacts to nesting migratory birds are potentially significant without mitigation; implementation of MM Bio 22 will reduce this impact to less than significant. (*Ibid.*)

2. Impact: With mitigation, the Proposed Project will not have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption or other means. (DSEIR p. 4.3-41.)

Finding: The following Mitigation Measures will mitigate potentially significant biological impacts on federally-protected wetlands to less than significant. (DSEIR p. 4.3-43.)

**MM Bio 6** Construction staging areas shall be located outside of riparian areas and away from (to the greatest distance feasible) riparian areas. (DSEIR p. 4.3-45.)

**MM Bio 7** Construction activities adjacent to riparian and/or wetland areas shall be minimized where feasible. If open cut trenching is used in the Spring Brook drainage crossings or Central Reach instead of boring, direct loss of wetlands may occur and permits and mitigation will be

required. Such mitigation may include restoration on site, removal of invasive species, or off-site purchase. (*Ibid.*)

**MM Bio 8**

A formal jurisdictional delineation for potential State and Federal wetland impacts will be conducted at Reaches A and B or the Northern Reach. (*Ibid.*)

**MM Bio 9**

A project-wide 1602 Streambed Alteration Agreement prepared in accordance with CDFG requirements shall be secured by WMWD as the jurisdictional delineation warrants and shall include mitigation measures that are sufficient to reduce direct and indirect impacts to riparian habitat to a level below significant. The Agreement may include some or all of the following:

- Avoid impacts where possible by shifting the project location or construction timing.
- Minimize impacts.
- Remove invasive species.
- Purchase off-site habitat credits.
- Create and/or restore natural communities and prepare a monitoring and maintenance plan for these areas.
- Avoid sensitive habitats by placing construction staging areas as far away from them as is feasible.
- Limit construction activity to daylight hours to minimize potential impacts related to artificial lighting.
- Require the presence of a qualified biological monitor during all construction activities that are within or near sensitive habitats and areas that have been identified to host the arroyo toad, least Bell's vireo, southwestern willow flycatcher, coastal California gnatcatcher, Stephens' kangaroo rat, or San Bernardino kangaroo rat.

(DSEIR pp. 4.3-45-46.)

**MM Bio 10**

An ACOE Section 404 permit shall be secured as the jurisdictional delineation warrants. The Nation-wide Section 404 Permit will apply to the project for linear utility projects. The Corps may require the implementation of measures similar to those listed for the Section 1602 Streambed Alteration Agreement as part of the Section 404 Permit approval process. Implementation of these measures will mitigate potential impacts to the bed and banks of the Santa Ana River and any other jurisdictional drainage. Should open-trenching techniques be utilized to install the pipeline across the Santa Ana River, consultation with the U.S. Fish and Wildlife Service will be initiated to determine whether or not the Proposed Project would result in significant impacts to Critical Habitat for the Santa Ana sucker. If warranted incidental take permits (through Section 7) shall

be applied for. The U.S. Fish and Wildlife Service shall identify further measures to be taken to avoid or minimize adverse project effects to the protected species and their habitat. (DSEIR p. 4.3-46.)

- MM Bio 11** In conjunction with the ACOE Section 404 Permit, a Section 401 Water Quality Certification from the California Regional Water Quality Control Board shall be secured. (*Ibid.*)
- MM Bio 12** Any discharge into navigable waters, or “waters of the United States” shall also comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Clean Water Act. Compliance with these provisions shall result in certification from the Regional Board that verifies that the project complies with all water quality standards. (*Ibid.*)
- MM Bio 25** Should jack and bore (also known as horizontal directional drilling) techniques be utilized to install the pipeline under CDFG or U.S. Army Corps of Engineers jurisdictional waterways (such as the Santa Ana River), a Frac-Out Contingency Plan (included in Appendix D – Biological Resources of the SEIR/EIS) shall be implemented by the contractor for the duration of drilling activities. (DSEIR p. 4.3-50.)
- MM Water Qual 1** WMWD shall require contractors to implement a program of best management practices (BMPs) and best available technologies to reduce potential impacts to water quality that may result from construction activities. To reduce or eliminate construction-related water quality impacts before the onset of construction activities, the construction agent(s) shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General construction permit. Construction activities shall comply with the conditions of this permit that include preparation of a stormwater pollution prevention plan (SWPPP), implementation of BMPs, and monitoring to insure impacts to water quality are minimized. As part of this process, multiple BMPs shall be implemented to provide effective erosion and sediment control. These BMPs shall be selected to achieve maximum sediment removal and represent the best available technology that is economically achievable. BMPs to be implemented as part of this mitigation measure shall include, but are not limited to, the following:
- a. Temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other groundcover would be employed for disturbed areas to avoid water erosion. Stockpiled dirt

could be covered, misted continuously, protected with three-sided temporary wind breaks or other means to avoid wind erosion.

- b. Storm drain inlets on the site and in downstream offsite areas shall be protected from sediment with the use of BMP's acceptable to the construction agent(s), local jurisdictions and the California Regional Water Quality Control Board, Santa Ana Region.
- c. Dirt and debris shall be swept from paved streets in the construction zone on a regular basis, particularly before predicted rainfall events.
- d. No disturbed surfaces shall be left without erosion control measures in place between October 15 and April 15. The construction agent(s) shall file a Notice of Intent with the Regional Board and require the preparation of a SWPPP prior to commencement of construction. The construction agent(s) shall routinely inspect the construction site to verify that the BMP's specified in the SWPPP are properly installed and maintained. The construction agent shall immediately notify the contractor if there were a noncompliance issue and require immediate compliance.
- e. Controls on construction site dewatering shall be implemented. If possible, water generated as part of construction dewatering shall be discharged onsite such that there would be no discharge to surface waters. If discharge to surface waters were unavoidable, the construction agent shall obtain coverage under the NPDES General Dewatering Permit prior to commencement of construction. The provisions of this permit are sufficiently protective of water quality to ensure that impacts to surface waters would remain below significance thresholds. During dewatering activities, all permit conditions shall be followed. The construction agent(s) shall routinely inspect the construction site to verify that the BMP's specified in the SWPPP are properly installed and maintained. The construction agent shall immediately notify the contractor if there were a noncompliance issue and require immediate compliance. (DSEIR pp. 4.11-11-12.)

**MM Bio 14**

If WMWD does not participate in the MSHCP as a PSE and should open-trenching techniques be utilized to install the pipeline across the Santa Ana River, a protocol-level survey shall be conducted at

the Santa Ana River (Reach A or Central Reach), to determine presence/absence of the Santa Ana River woolly-star, slender-horned spineflower, Chaparral sand-verbena, Parry's spineflower, Robinson's pepper-grass, smooth tarplant, prairie wedge grass, and /or California satintail, within suitable habitat in the construction footprint. If one or more of these plant species are found to be present in the footprint, incidental take permits (through Section 7) shall be applied for. The survey reports shall identify further measures to be taken to avoid or minimize adverse project effects to the protected species and their habitat. If WMWD does participate in the MSHCP as a PSE, a focused Narrow Endemic Plant Species Survey Area (NEPSSA) survey shall be conducted within suitable habitat in the project alignments (Central and Northern Reach and Reach H, La Sierra Pipeline, and Clay Street Connection). (DSEIR p. 4.3-46.)

Supporting Explanation: United States Army Corp of Engineers (ACOE) "waters of the United States" per Sections 401-404 of the Federal Clean Water Act and "streambeds" per Section 1600-1603 of the California Fish and Game Code (CDFG) were observed along the 2005 Project Alignment including the Santa Ana River and Springbrook Wash. (DSEIR p. 4.3-26.)

Micro-tunneling and boring were identified as the preferred method of crossing all jurisdictional areas. (*Ibid.*) However, if determined not feasible, open trenching would be utilized. (*Ibid.*) While micro-tunneling techniques, in themselves, would result in no direct impacts to wildlife or vegetation, dewatering was determined to have potential adverse impacts to the riparian vegetation communities, the magnitude of which would depend on the seasonal timing of the activities. (*Ibid.*) Impacts due to micro-tunneling were anticipated to be minor and temporary, possibly involving stress, desiccation, and potential defoliation. (*Ibid.*) These impacts were considered self-correcting once normal hydrology resumed. Open trenching techniques, if utilized, were determined to likely result in adverse impacts to the Santa Ana River, a river that is in the jurisdiction of the CDFG, ACOE, and California Regional Water Quality Control Board (WQCB), its tributaries, other drainages, and jurisdictional riparian vegetation along the 2005 Project Alignment. (*Ibid.*) Trenching activities for pipeline installation would result in excavation activities within the river channel, within federally-protected "waters of the United States." (*Ibid.*)

Micro-tunneling and boring activities under the Santa Ana River and all other drainages were found to have the potential to result in the leakage of construction-related materials and subsequently degrade sub-surface flows and/or surface flows, which may result in significant impacts to the existing riparian habitat. (DSEIR p. 4.3-27.) Through implementation of mitigation measures MM Bio 6 through 14, potential impacts to wetlands and other jurisdictional features were reduced to less than significant levels. (*Ibid.*)

## C. CULTURAL RESOURCES/PALEONTOLOGY

1. Impact: With mitigation, the Proposed Project will not cause a substantial change in the significance of historical resources as defined in CEQA Guidelines Section 15604.5. (DSEIR p. 4.4-21.) Therefore, impacts would be less than significant.

Finding: The following Mitigation Measures will mitigate potential adverse impacts from a substantial adverse change in the significance of historical resources to less than significant levels. (DSEIR pp. 4.4-20–26.)

### MM Cult 1

In order to reduce potential significant impacts to historic and non-Native American archaeological and historic resources, full-time archaeological monitoring during excavations shall be conducted in sensitive areas (e.g., near the Santa Ana River crossing, Mockingbird Canyon and La Sierra), within undeveloped areas along the project alignment, near Riverside Highland Water facility site thought to be in the vicinity of Barton Road (north of Palm Avenue), at the Gage Canal crossing in the cities of Riverside and Grand Terrace, at the Railroad crossings (AT&SF Railroad Alignment and Southern Pacific Railroad), the Riverside Canal, at Victoria Avenue and Irving Street. The extent and duration of the archaeological monitoring shall be determined by a Secretary of the Interior qualified archaeologist who is also qualified by Riverside County or the San Bernardino Archaeological Information Center (SBAIC) located at the San Bernardino County Museum, as appropriate to the location of the portion of the Project to be under construction, once the construction schedule is defined for each reach of project construction. In the event of an accidental discovery, the archaeological monitor will comply with State CEQA Guidelines section 15064.5. (DSEIR p. 4.4-23.)

### MM Cult 1a

If non-Native American archaeological or historic resources are discovered, the local jurisdiction and land owner where the resources are found will be notified by WMWD. Depending on the nature of the resource, appropriate mitigation and monitoring will be developed by WMWD in conjunction with all affected parties and the on-site archaeologist, and may include such things as:

- Documentation, removal, and curation at a local museum, federal repository or other appropriate steward agency.
- Documentation and retention in place.
- Further detailed archaeological studies to determine the nature and extent of the find.
- Retention by the land owner.
- Other measures agreed upon by the parties involved. (*Ibid.*)

- MM Cult 6** Plants and trees removed or damaged by the Proposed Project shall be replaced pursuant to the standards and requirements of each jurisdiction within which the loss or damage occurs. (DSEIR p. 4.4-25.)
- MM Cult 7** The location of all existing mature trees, palms and other landscaping shall be noted on the construction drawings that will be prepared for this project to facilitate review and proper permitting by the affected jurisdiction. Generally, a mature wood tree is considered to have a diameter of 8-10 inches or more at 4 ½ feet off the ground. A palm tree is considered to be mature at 25 feet or more in height. Citrus trees are mature when commercial levels of fruitbearing occur at about 5 to 7 years. (*Ibid.*)
- MM Cult 8** If construction activities that require digging are located closer than eight feet from a mature palm (over 25 feet in height) , a certified arborist shall evaluate the specific palm(s) to determine if the palm can remain in place, be relocated successfully, or if project redesign may be warranted. If the palm must be removed, replacement shall be pursuant to the requirements of the jurisdiction within which the palm(s) is/are located. (DSEIR p. 4.4-26.)
- MM Cult 9** If construction activities that require digging are located closer than thirty feet from the drip line of a mature wood tree, a certified arborist shall evaluate the specific tree(s). The arborist will recommend the course of action most likely to preserve the tree including but not limited to trimming to help with stability, no action and the tree remains in place as is, project redesign, or the means to achieve a successful relocation. If the tree must be removed, replacement shall be commensurate with the size and age of the tree being removed, pursuant to the requirements of the jurisdiction within which the tree(s) is/are located, and in no case shall replacement trees be less than 24-inch box size trees. (*Ibid.*)
- MM Cult 13** If the local jurisdiction where mature trees and landscaping are being removed does not have standards or tree replacement requirements, WMWD shall install 15 gallon trees or larger at a 1:1 replacement ratio and other landscaping similar to what was removed or damaged. (*Ibid.*)

Supporting Explanation: The Proposed Project, including the Monroe Street alternative, would cross or be within the immediate vicinity of five known historic resources:

- CA-SBR-6847H (“The Old Kite Route” or Atchison Topeka & Santa Fe Railway)
- CA-SBR-6859H (Riverside Canal)
- P-33-11361 (Victoria Avenue)

- CA-RIV-4791H (Riverside Lower Canal)
- CA-RIV-4495H (Riverside Upper Canal)

(DSEIR p. 4.4-18.)

Crossing Number 8, within the Northern Reach, would consist of tunneling under CA-SBR-6847H (the AT&SF Old Kite Route railway), which at this point is inoperative and overgrown with vegetation. (*Ibid.*) The Proposed Project would come within 100-feet of CA-SBR-6847H at two other locations: along W. North St. (near South 6th Street) and along Monroe Street (between Lincoln Avenue and Indiana Avenue). (*Ibid.*) However, the railroad crossings at these locations occur above ground within overpasses and will not be affected by the Proposed Project. (*Ibid.*)

The Proposed Project would cross CA-SBR-6859H (Riverside Canal) at Agua Mansa Road near Slover Mountain and the Rialto Channel. (*Ibid.*) Crossing Number 9 of the Northern Reach would consist of tunneling the Proposed Project under CA-SBR-6859H (Riverside Canal), thus resulting in complete avoidance of the cultural resource through project design. (*Ibid.*)

Construction of the Proposed Project would impact P-33-11361 (Victoria Avenue) at the intersection of Jackson Street or at the intersection of Monroe Street if the Monroe Alternative is used. (*Ibid.*) Victoria Avenue is listed in the National Register of Historic Places due to its role as a defining element of Riverside's historic citrus landscape with regard to community planning and development. (*Ibid.*) The Mediterranean-derived landscape bordering the avenue and its original alignment are defining features, rather than its original road construction materials. (*Ibid.*) Thus, the landscaping along Victoria Avenue is a sensitive resource, the loss of which would be considered significant both aesthetically and historically. (*Ibid.*)

The Proposed Project would cross CA-RIV-4791H (Riverside Lower Canal) at either Jackson Street or Monroe Street. (*Ibid.*) The Canal is not visible where the Project would cross at Jackson Street, and may occur below ground or has been destroyed. (*Ibid.*) The Canal at Monroe Street where the Proposed Project's Monroe Street option would cross is above-ground and intact, as evidenced by a concrete-lined gravity-flow canal and culvert. (DSEIR pp. 4.4-18 – 19) Impacts would be significant to the Canal if either Jackson Street or Monroe Street for the Project is chosen and traditional trenching techniques are used. (DSEIR p. 4.4-19.)

Three previously unrecorded sites that were located during a field survey of the area of potential effect for the Central Feeder Connection component of the Proposed Project:

- CFC-1 (Historic House Foundation)
- CFC-2 (Historic Structure - The Crown Jewel Citrus Packing Plant)
- CA-SBR-9991H – Historic landscape, Mexican Fan Palm historic alignments

(DSEIR p. 4.4-20.)

CFC-1 is a historic house foundation with associated agricultural irrigation features. (*Ibid.*) The foundation is located on the southwest corner of the intersection of Nevada Street

and San Bernardino Avenue. (*Ibid.*) The foundation measures approximately 100 feet by 35 feet and is located in the southwest corner of the proposed boundaries of the well field location. (*Ibid.*) A few surface artifacts were identified around the foundation and in the associated orange groves, which have been removed. (*Ibid.*) The relationship between the artifacts and structure is unclear, as it appears the land has been used for dumping intermittently over the years. (*Ibid.*) CFC-2 is the Old Crown Jewel packinghouse that has been partially converted into the Packing House Christian Academy. (*Ibid.*) The structure is located on the southwest corner of the intersection of Alabama Street and San Bernardino Avenue. (*Ibid.*) The building measures approximately 180 feet by 80 feet and is situated in the southeast corner of the proposed boundaries of the well field location. (*Ibid.*) The exterior appears to maintain much of its original composition. (*Ibid.*) The packinghouse appears to have been constructed sometime in the early 1900s. Although it is clear some modifications have been made on the west end of the structure, they appear to be historic additions. (*Ibid.*) No surface artifacts were identified around the structure or in the open field directly south of the property. (*Ibid.*)

At this time, the precise location of individual new wells has not been established. (*Ibid.*) Therefore the potential impacts upon CFC-1 and CFC-2 by the Central Feeder Connection component of the Proposed Project can be avoided by the placement of new wells outside of the area of potential effect for these historic resources. (*Ibid.*) This avoidance will be accomplished through implementation of mitigation measure MM Cult 11. (*Ibid.*)

CA-SBR-9991H is comprised of rows of tall Mexican Fan Palms that line portions of Nevada Street and San Bernardino Avenue within the project area. (*Ibid.*) These trees are considered part of the locally culturally significant rural historic landscape. The palm alignments are considered to be “heritage trees” by the County of San Bernardino. (*Ibid.*) The potential impact of the Central Feeder Connection component can be mitigated to less than significant levels through implementation of mitigation measures MM Aes 2 and MM Aes 3. (*Ibid.*)

Due to the relative sensitivity of the project area, the proposed construction may result in potentially significant impacts upon historical resources; however, mitigation measures MM Cult 1, MM Cult 1a, and MM Cult 6 through MM Cult 13 will ensure the Project’s potential to cause a substantial adverse change in the significance of historical resources as defined in California Code of Regulations, Section 15064.5 are mitigated to a less than significant level. (DSEIR pp. 4.4-20 – 21.)

2. Impact: With mitigation, the Proposed Project is not expected to cause a substantial adverse change in the significance of archaeological resources as defined in CEQA Guidelines Section 15604.5. (DSEIR p. 4.4-21.)

Finding: The following Mitigation Measures will mitigate potential adverse impacts from a substantial adverse change in the significance of archaeological resources to less than significant levels. (DSEIR p. 4.4-21.)

**MM Cult 1**

In order to reduce potential significant impacts to historic and non-Native American archaeological and historic resources, full-time archaeological monitoring during excavations shall be conducted in

sensitive areas (e.g., near the Santa Ana River crossing, Mockingbird Canyon and La Sierra), within undeveloped areas along the project alignment, near Riverside Highland Water facility site thought to be in the vicinity of Barton Road (north of Palm Avenue), at the Gage Canal crossing in the cities of Riverside and Grand Terrace, at the Railroad crossings (AT&SF Railroad Alignment and Southern Pacific Railroad), the Riverside Canal, at Victoria Avenue and Irving Street. The extent and duration of the archaeological monitoring shall be determined by a Secretary of the Interior qualified archaeologist who is also qualified by Riverside County or the San Bernardino Archaeological Information Center (SBAIC) located at the San Bernardino County Museum, as appropriate to the location of the portion of the Project to be under construction, once the construction schedule is defined for each reach of project construction. In the event of an accidental discovery, the archaeological monitor will comply with State CEQA Guidelines section 15064.5. (DSEIR p. 4.4-23.)

**MM Cult 1a**

If non-Native American archaeological or historic resources are discovered, the local jurisdiction and land owner where the resources are found will be notified by WMWD. Depending on the nature of the resource, appropriate mitigation and monitoring will be developed by WMWD in conjunction with all affected parties and the on-site archaeologist, and may include such things as:

- Documentation, removal, and curation at a local museum, federal repository or other appropriate steward agency.
- Documentation and retention in place.
- Further detailed archaeological studies to determine the nature and extent of the find.
- Retention by the land owner.
- Other measures agreed upon by the parties involved.

*(Ibid.)*

**MM Cult 2**

In response to comments from local tribes and to be sensitive to the cultural heritage of the tribes that have claimed an interest in the project area, the archaeological monitoring program shall be executed in conjunction with the tribes. As part of the preparation of the archaeological monitoring program, the interested tribes shall assist in determining which areas of the project alignment where undisturbed soils will be excavated should be considered to be Sensitive Areas requiring monitoring. For the purposes of this mitigation measure, “undisturbed soils” shall mean: soil which has never been previously excavated or disturbed for construction or other purposes, and soil that was previously excavated but for which

no archaeological or Native American monitoring was performed. "Sensitive Areas" include, at a minimum: the Santa Ana River (San Bernardino County) Springbrook Wash (Riverside County and City) crossings, a natural area near Irving and Firethorn Streets (Mockingbird Canyon area) in the City of Riverside, and the La Sierra area. Prior to grading, WMWD shall enter into a Treatment and Monitoring Agreement for one paid monitor for each reach of project construction with the culturally affiliated tribe, as determined by WMWD.

WMWD may seek the assistance of the Native American Heritage Commission (NAHC) in making the determination of cultural affiliation. To respond to the expressed desire of each tribe to monitor construction in sensitive areas and in the spirit of interagency cooperation, the Pechanga, Ramona, and San Manuel shall be notified by WMWD, prior to excavation activities. (DSEIR p. 4.4-24.)

**MM Cult 2a**

Additional tribes responded during the archaeological surveys performed for the Proposed Project. To respond to the expressed desire of these additional tribes to monitor construction in sensitive areas and/or be consulted if finds are made, and in the spirit of interagency cooperation, the Morongo Band of Mission Indians, Soboba Band of Luiseno Indians and Gabrieleno/Tongva San Gabriel Band of Mission Indians shall be notified by WMWD, prior to excavation activities. (*Ibid.*)

**MM Cult 3**

To ensure the proper disposition of cultural resources of interest to the tribes uncovered during excavation for the installation of the RCF Project, WMWD shall seek input from the tribes to develop a Discovery Plan for such dispersal that encompasses the tribes' desired treatment and disposition of Native American cultural resources, including human remains. After considering the tribes' input and recommendations, WMWD shall approve and finalize such a plan prior to grading. In the alternative, WMWD may choose to negotiate treatment and disposition within the Treatment Agreements entered into with the culturally affiliated appropriate tribe for each reach of construction. WMWD shall follow either the Discovery Plan or the Treatment Agreement for resources found on WMWD lands. Further, WMWD shall agree to present the plan and encourage land owners to follow the plan if cultural resources of interest to the tribes are found on land not owned by WMWD. In all cases, the actions of WMWD in its treatment of accidentally-discovered cultural resources shall be consistent with the requirements of CEQA Guidelines section 15064.5, the provisions of

the Public Resources Code, and any other applicable state or federal law. (*Ibid.*)

**MM Cult 5** If human remains are uncovered at any time, all activities in the area of the find shall be halted by WMWD or its contractor and the County Coroner shall be notified immediately pursuant to CA Health & Safety Code Section 7050.5 and CA PRC Section 5097.98. If the Coroner determines that the remains are of Native American origin, the Native American Heritage Commission (NAHC) shall be notified by the Coroner. The NAHC will determine and notify the Most Likely Descendent (MLD). The MLD shall be allowed to inspect the site of the discovery. The MLD shall complete the inspection and make recommendations for treatment within 48 hours of notification by the NAHC. (DSEIR p. 4.4-25.)

**MM Cult 5a** If a sacred site is encountered within the project alignment, WMWD will work with the tribes to avoid the site, if feasible. (*Ibid.*)

Supporting Explanation: The Proposed Project will not impact known archaeological resources. (DSEIR p. 4.4-21.) Based on the results of the California Historical Resources Information System (CHRIS) records searches, as well as buried-sites sensitivity analysis, there is a high potential for encountering buried cultural resources within the Project's area. (*Ibid.*) The results of the San Bernardino Archaeological Information Center (SBAIC), records search indicate numerous previously recorded cultural resources along Agua Mansa Road within the 100-foot-wide survey corridor, including the town site of Agua Mansa, a historical road, and numerous irrigation ditches and canals. (*Ibid.*) An examination of soils and geologic maps for this area, coupled with the presence of numerous previously recorded resources, indicate that there is a high potential for buried cultural resources. (*Ibid.*) Other areas where previously and newly recorded sites have been identified within the APE, as well as the Santa Ana River crossing and the southernmost section of the Central Reach have also been identified as having high to moderate potential for buried cultural resources. (*Ibid.*)

Due to the expected presence of unknown archaeological resources within the project area, the Project may result in an adverse change in the significance of an archaeological resource; however, mitigation measures M Cult 1, MM Cult 2, MM Cult 3, and MM Cult 5a will ensure the Project's potential to cause a substantial adverse change in the significance of archaeological resources pursuant to California Code of Regulations, Section 15064.5 are mitigated to a less than significant level. (*Ibid.*)

3. Impact: No known paleontological resources exist at the Project site and therefore the Proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. (DSEIR p. 4.4-21.)

Finding: The following Mitigation Measures will mitigate potential adverse impacts to a unique paleontological resource or site or unique geological feature, should one be discovered, to a level of less than significant. (DSEIR p. 4.4-22.)

- MM Cult 4** If fossils are identified during excavation, a qualified paleontologist shall be contacted and permitted to recover and evaluate the find(s) in accordance with current standards and guidelines. (DSEIR p. 4.4-25.)
- MM Cult 4a** Prior to site grading, a pre-grading meeting between a qualified paleontologist and the excavation and grading contractor shall be held to outline the procedures to be followed when buried materials of potentially significant paleontological resources have been inadvertently discovered during earth-moving operations. Should construction/development activities uncover paleontological resources, work shall be moved to other parts of the project site and a qualified paleontologist shall be contacted to determine the significance of these resources. If the find is determined to be significant, temporary avoidance or other appropriate measures shall be implemented. Appropriate measures would include that a qualified paleontologist be permitted to recover and evaluate the find(s) in accordance with current standards and guidelines. Any significant fossil remains recovered in the field shall be prepared, identified, catalogued, curated, and accessioned into the fossil collections of the San Bernardino County Museum, or another museum repository complying with the Society of Vertebrate Paleontology standard guidelines; and the qualified paleontologist or qualified designee shall prepare a final report presenting an inventory and describing the scientific significance of any fossil remains accessioned into the museum repository. The report shall comply with the Society of Vertebrate Paleontology standard guidelines for assessing and mitigating impacts on paleontological resources and shall be submitted to Western Municipal Water District and the museum repository. (*Ibid.*)

Supporting Explanation: No known paleontological resources have been previously recorded by the San Bernardino County Museum within the Proposed Project area. (DSEIR p. 4.4-21.) Paleontological remains, however, have been identified approximately three to five miles northwest of the project area. (*Ibid.*) These remains included extinct mammoth, mastodon, bison, camel, and saber-toothed cat. (*Ibid.*)

The Proposed Project alignments are located on surface exposures of Pliocene or early Pleistocene age sedimentary rock units, and alluvial and alluvial fan deposits, that have the high potential to contain significant paleontological resources. (*Ibid.*) Although not within the project area, paleontological resources have been previously identified within these sediments in Riverside and San Bernardino counties. (*Ibid.*) Surface exposures of Holocene eolian and alluvial deposits are also reported within the project area. (*Ibid.*) These young sediments, however, have a low potential for containing paleontological resources. (*Ibid.*)

Three of the four connections (Clay Street Connection, Mockingbird Connection and La Sierra Pipeline) are located either partially or completely within areas with a high potential to contain paleontological resources. (DSEIR pp. 4.4-21 – 22.) The Central Feeder Connection is located on surface exposures of Holocene alluvial deposits and therefore has a low potential for containing paleontological resources. (DSEIR p. 4.4-22.)

Due to the presence of surface exposures of Pleistocene age sedimentary rock units, and alluvial and alluvial fan deposits, characterized as having a high potential for containing paleontological resources, there is a potential that construction of some segments of the Realignment Alternatives may uncover paleontological resources. (*Ibid.*) In the event that construction activities uncover paleontological resources, MM Cult 4 will reduce the Project's potential to directly or indirectly destroy a unique paleontological resource or site to less than significant levels. (*Ibid.*)

4. Impact: Should human remains be discovered at the Project site, the Proposed Project, with mitigation, is not expected to disturb any human remains, including those interred outside of formal cemeteries. (DSEIR p. 4.4-22.)

Finding: The following Mitigation Measure will reduce impacts to human remains, if found, to a less than significant level. (DSEIR p. 4.4-22.)

**MM Cult 5** If human remains are uncovered at any time, all activities in the area of the find shall be halted by WMWD or its contractor and the County Coroner shall be notified immediately pursuant to CA Health & Safety Code Section 7050.5 and CA PRC Section 5097.98. If the Coroner determines that the remains are of Native American origin, the Native American Heritage Commission (NAHC) shall be notified by the Coroner. The NAHC will determine and notify the Most Likely Descendent (MLD). The MLD shall be allowed to inspect the site of the discovery. The MLD shall complete the inspection and make recommendations for treatment within 48 hours of notification by the NAHC. (DSEIR p. 4.4-25.)

Supporting Explanation: The California Native Heritage Commission investigated the possibility for any Native American cultural resources within the Riverside Corona Feeder project area and has indicated that it has no record of the presence of any known Native American sacred sites within the project and/or in the immediate project area. (*Ibid.*) Nevertheless, as described above, the Northern Reach of the project area is identified as having primarily low and high potential for buried sites. (*Ibid.*) The portion of the project area within the cities of San Bernardino and Colton has low potential, whereas the remaining portion of the Northern Reach, particularly along Agua Mansa Road, has a high potential for buried sites. (*Ibid.*)

Along the Central Reach of the Project there is moderate potential for buried sites along much of Limonite Avenue and Clay Street, whereas low potential is identified south of the Santa Ana River crossing along Van Buren Boulevard to just north of the intersection between Jackson

Avenue and Colorado Avenue. (*Ibid.*) From this intersection south, the Arlington area of Riverside is characterized as having a high potential for buried sites, as well as the Santa Ana River crossing and areas where previously identified cultural resources are located within the survey corridor. (*Ibid.*)

Although there is no known specific potential for adverse environmental impacts to human remains, including those interred outside of a formal cemetery, human remains may be uncovered at any time. (*Ibid.*) However, in the unlikely event that suspected human remains are uncovered during construction, all activities in the vicinity of the remains shall cease and the contractor shall notify the County Coroner immediately pursuant to California Health & Safety Code Section 7050.5 and CA RPC Section 5097.98, as required by MM Cult 5. (*Ibid.*) Therefore, impacts are considered to be less than significant after mitigation. (*Ibid.*)

#### **D. GROUNDWATER LEVELS**

1. Impact: With mitigation, the Proposed Project would not have a substantial adverse effect on groundwater by (1) substantially depleting groundwater supplies or interfering substantially with groundwater recharge such that there is a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells drops to a level which does not support existing land uses or planned uses for which permits have been granted) or (2) causing undesirably high groundwater levels in the area of historically high groundwater (AHHG). (DSEIR p. 4.6-28.)

Finding: The following Mitigation Measure will reduce impacts to groundwater levels to a less than significant level. (DSEIR p. 1.0-35.)

**MM GWL 2 (Revised)** To assure that ongoing management of the Proposed Project is coordinated with management of the Basin Area as a whole, monitoring and adaptive management shall be employed. The Project operations management plan will be developed and tested using the groundwater modeling employed by the Basin Area TAC (or its successor or assignee) on an annual basis. The groundwater flow and groundwater model(s) shall be used to predict the effects of project operations pursuant to the operating plan on the safe yield of the Basin Area. If the model(s) suggest that the replenishment and pumping regime of the Proposed Project operation would result in a water level reduction of greater than 10 feet, the project operation shall be modified to reduce impacts to less than significant levels.

Typical measures that could be implemented to maintain the safe yield of the basin include:

- Increased, decreased, or no replenishment
- Replenishment in an alternative location
- Increased, decreased or no extraction
- Extraction at targeted locations

(DSEIR p. 1.0-35.)

**MM GWL 3:** WMWD and the City of Riverside, within one year of certification of the EIR by the WMWD Board of Directors, shall enter into a Engineering and Operation Agreement that will facilitate annual review of volumes of water to be recharged, stored and/or extracted from the San Bernardino Basin Area (SBBA) by WMWD in as part of the Project to ensure consistency with the conjunctive use rules developed by the SBBA Basin Technical Advisory Committee, or govern conjunctive use operations in the absence of BTAC-developed rules. The Engineering and Operation Agreement shall develop and implement procedures intended to minimize groundwater level impacts at certain specified Riverside wells and determine water storage and extraction targets for the Project. To accomplish those purposes, the Engineering and Operation Agreement shall address the following areas:

- Proposed water extractions of previously stored water and the consequent changes in groundwater levels at key wells;
- The length of time that water will be stored within the SBBA before WMWD extracts the water; and
- Methodology for accounting of water loss of water stored by WMWD in the basin, including but not limited to the determination of when water is no longer stored within the SBBA because of outflow from that basin, a loss corresponding to the amount of water lost to evaporation if recharge occurs in a spreading basin, and annual loss corresponding to the amount of water that flows out of the SBBA on the surface and below the surface (outflow).
- Remedy if WMWD extracts water in excess of the agreed-upon limits set forth in the Engineering and Operation Agreement or in excess of what is stored in the SBBA. (*Ibid.*)

Supporting Explanation:

*San Bernardino Groundwater Basin*

Subsequent to the completion of the 2005 PEIR, there have been changes in factors that affect the potential availability and reliability of imported water supplied by MWD which may be used to recharge the San Bernardino Basin Area (Basin Area). (DSEIR p. 4.6-28.) Such factors include potential reductions in Delta exports, potential regulatory and emergency constraints on the use of water conveyance facilities, water quality issues, and short and long term climatic changes. (*Ibid.*)

In order to provide an updated assessment of potential groundwater impacts due to the Proposed Project, and in consideration of the Western Judgment, hydrologic analyses were

completed by Geoscience Support Services, Inc. that reflect current conditions regarding the availability and reliability of imported water and natural hydrological conditions. (*Ibid.*)

The “existing condition” of Basin Area operations is per the Western Judgment and other agreements between the parties. (*Ibid.*) The Project will be in accordance with the Western Judgment which provides that extractions may be made in addition to those determined by the Judgment, pursuant to agreement between SBVMWD and WMWD. (*Ibid.*) The Judgment further provides that nothing therein shall preclude SBVMWD, WMWD or any other party from exercising such rights as they may have or obtain under law to spread, store underground and recapture imported water, provided that any such use of underground storage capacity of the Basin Area shall not interfere with any replenishment program of the Basin Area. (DSEIR pp. 4.6-28–29.) The Watermaster is charged with the responsibility of administering the Judgment, and all subsequent orders of the Court made pursuant to the Court’s continuing jurisdiction. (DSEIR p. 4.6-29.) The Watermaster is required to file with the Court annual reports which include, among other information, summaries of extractions by all parties pumping water from the Basin Area, groundwater level measurements, and an accounting of all credits and obligations in the groundwater basin. (*Ibid.*) Thus, a modeled “Baseline Run” is a more relevant comparative measure against which the project’s projected operational impacts can be measured.

The MODFLOW groundwater flow model of the San Bernardino Basin Area Refined Basin Flow Model was used to evaluate water level changes for various Project-related scenarios, all assuming the well field location adjacent to the Central Feeder Pipeline Connection. (*Ibid.*) MODPATH particle tracking was utilized to evaluate potential impacts of the Proposed Project on remediation (i.e., cleanup) efforts by evaluating groundwater flow paths seepage velocities and travel times. (*Ibid.*) The Refined Basin Solute Transport Model was used to simulate the groundwater quality for PCE (Newmark and Muscoy plumes), TCE (Norton and Redlands-Crafton plumes), and perchlorate in the Basin Area. (*Ibid.*)

A total of four predictive model runs were made using the Refined Basin Flow Model and Refined Basin Solute Transport Model to assess the potential impacts of the Proposed Project on groundwater levels and water quality. (*Ibid.*) These model runs are:

- Baseline Run (No Project)
- RCF Scenario 1
- RCF Scenario 2
- RCF Scenario 3

The Proposed Project modeling Scenarios include two “bookend” scenarios (Scenarios 1 and 3) and one “most likely” scenario (Scenario 2). (*Ibid.*) “Bookend” conditions are generally described as conditions that result from extraction and replenishment schedules that are likely to cause the most environmentally stressful conditions (Scenario 3) and conditions that are the least stressful (Scenario 1) than those encountered under the “most likely” scenario. (*Ibid.*) Results from the Scenarios were compared to the Baseline Run (No Project). (*Ibid.*)

The Baseline Run prepared for the 2005 PEIR was conducted by Geoscience and included the model assumptions initially used for the model at that time. (*Ibid.*) For the Upper Santa Ana

River Watershed Integrated Regional Water Management Plan (USAR IRWMP), Geoscience updated the model baseline to include changes in the status of water agreements and hydrologic factors that reflected the Baseline conditions in 2007. (*Ibid.*) The USAR IRWMP Baseline Run 1 was updated in June 2009 to include changes to the USAR IRWMP Baseline Run 1 that had occurred in the intervening years. DSEIR Table 4.6-A compares the assumptions used for the Baseline Run (Average), Baseline Run (Prolonged Dry) and USAR IRWMP Baseline Run 1. (DSEIR p. 4.6-29.)

#### *Average Year Conjunctive Use Analysis*

Groundwater modeling was conducted for conjunctive use during the average year. See DSEIR pp. 4.6-30 to -31 for more information regarding the modeling. Based on results of the modeling, the following conclusions were made for the Proposed Project conjunctive use scenarios:

- **RCF Scenario 1 (Less Stressful Conditions).** For Scenario 1, the changes in groundwater level from the Baseline Run (No Project) range from a decline of one foot to a rise of three feet. (DSEIR p. 4.6-32.) Based on results from iterative model runs, RCF Scenario 1 consists of total artificial recharge of 42,000 acre-ft and total extraction of 34,500 acre-ft during the 26 years from 2007 through 2032. (*Ibid.*) Total Basin Area groundwater storage decline for RCF Scenario 1 was less than the storage decline of the Baseline Run (No Project) and is estimated to be negative 31,496 acre-ft. (*Ibid.*) This indicates that slightly more water (685 acreft) would be recharged annually over the 26 years than what was necessary to maintain a total recharge equal to the Baseline Run (No Project) conditions. (*Ibid.*) The average underflow outflow across the San Jacinto Fault was estimated to be 707 acre-ft/yr for the RCF Scenario 1. (*Ibid.*) This change in underflow outflow is minimal as compared to the Baseline Run. (No Project).
- **RCF Scenario 2 (Most Likely Conditions).** Groundwater level changes range from a decline of four feet to a rise of 11 feet for RCF Scenario 2 as compared to the Baseline Run (No Project). (*Ibid.*) RCF Scenario 2 includes total artificial recharge of 150,000 acre-ft and total extraction of 125,800 acre-ft. (*Ibid.*) Total Basin Area groundwater storage decline for RCF Scenario 2 was less than the storage decline of the Baseline Run (No Project) conditions and is estimated be negative 30,909 acre-ft. (*Ibid.*) These results indicate that slightly more water (1,272 acre-ft) would be recharged over the 26 years than what was necessary to maintain a total recharge equal to the Baseline Run (No Project) conditions. (*Ibid.*) The average underflow outflow across the San Jacinto Fault was estimated to be 694 acre-ft/yr, and 691 acre-ft/yr for RCF Scenario 2. (*Ibid.*) This change in underflow outflow is minimal as compared to the Baseline Run. (No Project). (*Ibid.*)
- **RCF Scenario 3 (Most Stressful Conditions).** For RCF Scenario 3, groundwater level changes range from a decline of six feet to a rise of 13 feet. (*Ibid.*) RCF Scenario 3 includes total artificial recharge of 198,000 acre-ft and total extraction of 163,300 acre-ft. (*Ibid.*) Total Basin Area groundwater storage decline for RCF Scenario 3 was also less than the storage decline of the Baseline Run (No Project) conditions and is estimated be negative 31,358 acre-ft. (*Ibid.*) These results indicate that slightly more water (823 acre-ft) would be recharged over the 26 years than what was necessary to maintain a total

recharge equal to the Baseline Run (No Project) conditions. (*Ibid.*) The average underflow outflow across the San Jacinto Fault was estimated to be 691 acre-ft/yr for this RCF Scenario. (DSEIR pp. 4.6-32–33.) This change in underflow outflow is minimal as compared to the Baseline Run. (No Project). (DSEIR p. 4.6-33.)

In general, the wells with declines in water levels are located in the vicinity or downgradient of the Proposed Project well field (e.g., City of Redlands Well No. 32 and City of Riverside Raub 1 Well). (*Ibid.*) Wells with increases in groundwater elevations are located in the forebay recharge areas due to artificial recharge from the RCF. (*Ibid.*) The maximum projected decline in groundwater levels is six (6) feet. (*Ibid.*) Inasmuch as the maximum projected reduction in average groundwater levels at all wells is less than 10 feet, the potential impact upon groundwater levels will be less than significant. (*Ibid.*)

In the 2005 PEIR, the acreage of the potential liquefaction area in the Pressure Zone is approximately 720 acres for the year 2001 (year with the greatest potential liquefaction area) and is approximately 3.7% of total Pressure Zone area of 19,320 acres for the Baseline Run. (No Project). The potential liquefaction area was estimated to be approximately 690 acres, 540 acres, and 600 acres for RCF Scenarios 1 through 3, respectively. (*Ibid.*) The slight reduction in potential liquefaction area in the Pressure Zone was due to extraction occurring in the proposed RCF well field near the Pressure Zone area. The 2009 modeling corroborates this finding in that the AHHG wells (City of Riverside Raub 1, Gage Canal Company Lower Kelly and SBVMWD Backyard) are projected to experience decreases in water levels of one to four feet (Table 4.6-B). A lower water table results in less susceptibility to liquefaction. (*Ibid.*)

The results of recharge and extraction modeling show that the conjunctive scenarios, as currently projected, will have less groundwater pumping and artificial recharge than were originally projected for the Proposed Project. (*Ibid.*) As a result, under all three current scenarios, the total changes in groundwater storage within the Basin Area will be less than previously projected. (*Ibid.*) Additionally, the total reduction in groundwater storage will be less under each of the three RCF conjunctive scenarios than would occur under Baseline (No Project) conditions. (*Ibid.*)

Therefore, it can be concluded that the Proposed Project will have less than significant impacts on groundwater resource levels within the Basin Area. No additional mitigation measures will be necessary. (*Ibid.*)

#### *Prolonged Dry Year Modeling Analysis*

To evaluate a worse case condition than the average rainfall conditions described above, a 2010 Geosciences report analyzed prolonged dry baseline runs. The Prolonged Dry Baseline Run uses the same projected water demands as the previous Baseline Run except with a prolonged dry base period from January 1945 through December 1968 instead of an average base period from January 1979 through December 2004. (DSEIR p. 4.6-35.)

For the sensitivity predictive runs, a prolonged dry hydrologic base period from January 1945 through December 1968 was assumed to represent future conditions for the 24-year period

from January 2007 through December 2030. During this period, the average annual precipitation was 14.00 inches at the San Bernardino County Hospital Station compared to a long term average of 16.19 inches. The average annual streamflow at the Santa Ana River (SAR) near Mentone gaging station was 36,400 acre-ft compared to the long term average of 57,000 acre-ft during the same period of time. (DSEIR pp. 4.6-35–36.)

For the Prolonged Dry Baseline Run, the artificial recharge ranges from 15,800 acre-ft in year 2017 (hydrologic year 1955) to 131,500 acre-ft in year 2029 (hydrologic year 1967) with an average of 74,700 acre-ft/yr. (DSEIR p. 4.6-36.)

Three model predictive scenarios were run for a 24-year period (2007 through 2030) with monthly stress periods. The RCF Prolonged Dry Scenarios use the same assumptions as the Prolonged Dry Baseline Run (No Project), except these RCF prolonged dry conjunctive use scenarios include additional project artificial recharge and groundwater pumping. The actual amount of RCF artificial recharge and pumping will vary year to year, depending upon natural hydrologic conditions that may affect the timing of available surplus water, spreading ground capacity, and basin groundwater levels (i.e., storage). The artificial recharge and pumping schedules for the RCF Prolonged Dry Scenarios were quantified through iterative model runs so that total project extraction (i.e., pumping) were lower than total project replenishment. As a result, the San Bernardino Basin Area (Basin Area) storage for each RCF Prolonged Dry Scenario will always be equal to or above the storage for the Prolonged Dry Baseline Run (Dry Year No Project). (*Ibid.*)

- RCF Prolonged Dry Scenario 1. Prolonged Dry Scenario 1 simulates RCF artificial recharge to occur when MWD surplus water is equal to or exceeds 718,000 acre-ft. Based on historic data for available MWD surplus water, this condition occurs approximately 2.8% or less of the time. (*Ibid.*)
- RCF Prolonged Dry Scenario 2. Prolonged Dry Scenario 2 simulates RCF artificial recharge to occur when MWD surplus water is equal to or exceeds 485,000 acre-ft. Based on historic data for available MWD surplus water, this condition occurs approximately 20% or less of the time. (*Ibid.*)
- RCF Prolonged Dry Scenario 3. Prolonged Dry Scenario 3 simulates RCF artificial recharge to occur when MWD surplus water is equal to or exceeds 250,000 acre-ft. Based on historic data for available MWD surplus water, this condition occurs approximately 28% or less of the time. (*Ibid.*)

Based on results from iterative model runs, RCF Prolonged Dry Scenario 1 consists of no artificial recharge during the 24 years from 2007 through 2030 (i.e., hydrologic years from 1945 through 1968). RCF Prolonged Dry Scenario 2 includes artificial recharge of 203,200 acre-ft. RCF Prolonged Dry Scenario 3 includes artificial recharge of 300,000 acre-ft. (*Ibid.*)

Based on results from iterative model runs, RCF Prolonged Dry Scenario 1 consists of no groundwater pumping during the 24 years from 2007 through 2030 (i.e., hydrologic years from

1945 through 1968. RCF Prolonged Dry Scenario 2 includes pumping a total of 140,000 acre-ft. RCF Prolonged Dry Scenario 3 includes pumping a total of 205,000 acre-ft. (*Ibid.*)

The average simulated groundwater elevations and the difference between the average groundwater elevations for the Prolonged Dry Baseline Run (Dry Year No Project) with respect to the RCF Prolonged Dry scenarios are shown in DSEIR Table 4.6-D and summarized below. (DSEIR p. 4.6-37.)

For RCF Prolonged Dry Scenario 1, there is no change in water level from the Prolonged Dry Baseline Run (No Project) due to no additional recharge or groundwater pumping. Water level changes range from zero (no change) to a rise of 32 ft for RCF Prolonged Dry Scenario 2 as compared to the Prolonged Dry Baseline Run (No Project). For RCF Prolonged Dry Scenario 3, these changes range from a decline of one (1) foot to a rise of 38 ft. Water levels in most of the wells would increase due to the artificial recharge from the RCF. (*Ibid.*)

Groundwater storage decline for RCF Prolonged Dry Scenario 1 would be the same as the Prolonged Dry Baseline Run (No Project) conditions due to no RCF artificial recharge or groundwater pumping. Groundwater storage decline for RCF Prolonged Dry Scenarios 2 and 3 would be less than under Prolonged Dry Baseline Run (No Project) conditions, which are estimated be negative (“-”) 702,419 acre-ft and negative 682,313 acre-ft. These results indicate that more water (45,071 acre-ft for Prolonged Dry Scenario 2 and 65,177 acre-ft for Prolonged Dry Scenario 3) was recharged over the 24 years than what was necessary to maintain a total recharge equal to the Prolonged Dry Baseline Run (No Project) conditions (see DSEIR Table 4.6-E). (*Ibid.*)

In general, the patterns of the cumulative changes in groundwater storage for the Prolonged Dry Baseline Run (No Project) and RCF Prolonged Dry Scenarios 1 through 3 during the period 2007 to 2030 are similar to the historical prolonged dry base period from 1945 to 1968. (*Ibid.*)

As shown in DSEIR Table 4.6-D, the maximum projected decline in groundwater levels during prolonged dry years is one (1) foot at City of Redlands Well No. 32. Therefore, inasmuch as the maximum projected reduction in average groundwater levels at all wells is less than 10 feet, the potential impact upon groundwater levels during prolonged dry years will be less than significant. (*Ibid.*)

Both the modeling analysis prepared in 2005 under average to wetter year assumptions and historically higher SWP water availability for recharge, and the Prolonged Dry-year modeling completed for the Realignment Project in 2010 indicate that the Basin Area can operate within the safe-yield of the basin and with less than significant impacts to existing wells and groundwater levels. Based on the modeling assumptions used, impacts of the Proposed Project to groundwater levels are considered less than significant. (*Ibid.*)

Coordinated basin management under current and future conditions is critical however, to assuring the safe-yield of the basin and less than significant impacts to all users of the Basin Area. If the RCF were not operated in a coordinated fashion under the requirements of the

Western Judgment, then impacts could be significant. Therefore, mitigation measures MM GWL 1 and 2 from the 2005 PEIR required that operating plans be prepared based on sound modeling set the frequency with which operating plans must be prepared. Subsequent to the public review period for the Draft 2005 PEIR, the groundwater models necessary to evaluate potential operating strategies, as required in MM GWL 1, were complete and became available for use. In response to comments received from other agencies regarding the Draft 2005 PEIR, WMWD ran the model prior to preparing and certifying the Final 2005 PEIR. Thus, MM GWL 1 was accomplished and is no longer needed for the RCF realigned pipeline. (DSEIR p. 4.6-37 to -38.)

Additionally, WMWD has been participating in ongoing management efforts with the Basin Area Technical Advisory Committee (BTAC) which will assure that this project is included and managed to avoid adverse impacts to water levels in the Basin Area. The ongoing monitoring and adaptive management recommended by MM GWL 2 is still necessary, but the mitigation measure has been revised to include WMWD's involvement with the TAC. The currently revised mitigation measure below, MM GWL 2 (Revised), will replace MM GWL 1 and 2 from the 2005 PEIR. It should also be noted that as a courtesy to the City of Riverside, WMWD is also committing to capping annual Project-related extractions from the San Bernardino Groundwater Basin to 15,000 acre feet per 12-month period, as per MM GWL-3. Potential adverse impacts to groundwater levels in the San Bernardino Basin Area will be less than significant with implementation of mitigation measure MM GWL 2 (Revised). (DSEIR p. 1.0-34.)

#### *Chino Groundwater Basin*

With the realignment of the project pipeline, connections can now be made to JCSD facilities in the Chino Groundwater Basin. (DSEIR p. 4.6-40.) A separate analysis was not done for the Project with respect to groundwater in the Chino Basin, rather, the Project will operate pursuant to a management plan that is already in place and includes water for JCSD to remove from the basin and to deliver to WMWD. (*Ibid.*)

The initial Dry Year Yield Program (DYYP) anticipated that over the course of the initial DYYP, the Chino Basin appropriators would decrease groundwater production and increase imported water deliveries from MWD by 25,000 acre-ft during *wet* years. (DSEIR p. 4.6-41.) The program also provides the flexibility for MWD to deliver "surplus" imported water for recharge, thereby increasing Chino Basin storage. (*Ibid.*) Conversely, during *dry* years, the Chino Basin appropriators would increase groundwater production and decrease imported water purchases from MWD by 33,000 acre-ft. (*Ibid.*) This exchange would allow the Chino Basin appropriators to use MWD surplus imported water in-lieu of groundwater during wet years, thereby storing unused groundwater for use during future dry years. (*Ibid.*) The DYYP Expansion provides for maximum storage up to 150,000 acre-ft. (*Ibid.*) Under the expanded DYYP, assuming that withdrawals from MWD's storage account would occur over the same three-year dry period (as with the initial program), the "take" from MWD's account could be as high as 50,000 acre-ft. (*Ibid.*) This MWD conjunctive-use storage program represents about 20 percent of the Chino Watermaster's long-term storage objectives for the Chino Basin (DYYP Expansion, p. 1-5). (*Ibid.*)

WMWD's participation in the DYYP Expansion would provide a direct export connection to the Chino Basin. (DSEIR p. 4.6-42.) WMWD's primary role would be participation on the extraction, or "take" side, of the DYYP Expansion. (*Ibid.*) WMWD's point of connection (Clay Street Connection) to the Chino Basin would be via the Jurupa Community Services District, a Chino Basin Appropriator and retail agency of WMWD (DYYP Expansion, p. 3-11) (*Ibid.*)

As part of the DYYP Expansion, groundwater modeling was conducted to evaluate the potential for material physical injury to the Chino Basin including an analysis of groundwater-level changes, increased potential for subsidence, losses from storage, change in direction and speed of known water quality anomalies, and the ability to maintain hydraulic control. (*Ibid.*) An updated version of the Watermaster Model was used to evaluate a baseline alternative along with the three proposed Operations Plan scenarios. (*Ibid.*) The baseline alternative was based on the Alternative 1C Peace II Project Description with the current 100,000 acre-ft DYYP. (*Ibid.*) This baseline was determined to have no material physical injury to the Chino Basin and was therefore used as the basis from which to evaluate any impacts resulting from three DYYP Expansion operations scenarios. (*Ibid.*)

Upon finalization of the DYYP Expansion proposed "takes," it was concluded there is no material physical injury to a Party to the Chino Basin Judgment or the Chino Basin from the projected groundwater level changes from either the baseline or dry-year yield scenarios. (DSEIR p. 4.6-43.) The findings in the Peace II SEIR substantiate this finding that no significant impacts would result from the operating assumptions included in the evaluation which include the DYY Program. (DSEIR p. 4.6-43.)

As stated in the 2010 SEIR (pp 1-8), "[a]fter detailed evaluation of all hydrology/water quality issues in the DSEIR, it was concluded that all hydrology and water quality impacts can be controlled to a less than significant level. Detailed assumptions regarding future water management activities are included in this finding, for example pumping locations must be optimized, the future location of groundwater recharge must be optimized, additional imported water must be brought into the Basin over the next 20 years to offset cumulative unmet replenishment obligation (CURO), and hydraulic control of the Basin must be accomplished. Regardless, under these assumptions, all hydrology and water quality impacts can be offset or otherwise mitigated, and the hydrology and water quality impacts (including those identified under Utilities and Services Systems [section of the Peace II SEIR]) have been found to be less than significant, on a project specific and cumulative basis." (*Ibid.*)

Pursuant to the DYYP Expansion and the Peace II Agreement, groundwater extracted from the Chino Basin through the Chino Desalter and transferred to WMWD would be a maximum of 5,000 AF/YR. (*Ibid.*) This extraction would be consistent with the provisions of the OBMP. (*Ibid.*) Pursuant to that analysis of the DYYP Expansion and its IS/MND and the Final SEIR for Peace II, less than significant effects related to groundwater levels within the Chino Basin are anticipated as a result of implementation of the Proposed Project. (*Ibid.*)

## E. GROUNDWATER QUALITY

1. Impact: With mitigation, the construction or operation of the Proposed Project would not violate water quality standards or otherwise substantially degrade water quality in the Basin as a whole or for any individual pumper. (DSEIR p. 4.7-19.) Thus, impacts to water quality would be less than significant.

Finding: The following Mitigation Measure will reduce impacts to groundwater quality to a less than significant level. (DSEIR p. 4.7-23.)

**MM GWQ 2(Revised)** To assure that ongoing management of the RCF is coordinated with management of the Basin Area as a whole, monitoring and adaptive management shall be employed.

a) The RCF operations management plan will be developed and tested using the groundwater modeling employed by the Basin Area TAC (or its successor or assignee) on an annual basis. Existing groundwater flow and groundwater quality model(s) shall be used to predict the effects of project operations on groundwater quality. The results of the modeling shall be presented to the BTAC. If the results indicate that the location of pollution plumes will be shifted by project operations such that additional existing 'clean' wells could become contaminated, WMWD shall modify planned operations to avoid the result or otherwise address the modeled situation to the satisfaction of the BTAC. Examples of operational modifications that could be used, are provided in the following table.

b) When a new well is drilled, indicator wells in the vicinity that could be affected by Project operation will be selected to become part of the annual operations management plan. If water quality testing at any indicator wells (which are already tested regularly) suggests that the replenishment and pumping regime of the proposed project operation is causing drinking water quality in a given well to become newly contaminated or to worsen due to the RCF Project, production and/or spreading in the area(s) contributing to the contamination shall cease until a remedy is identified and implemented. Such remedies may include but not be limited to the following:

**Contamination Remedy Examples and Method Priorities**

<b>New Wells Drilled for Project Operations</b>		
Treatment Option	First Priority Methods	Secondary Priority Methods
Avoidance	<ul style="list-style-type: none"> <li>• Move or Avoid Production in a Contaminated Location</li> </ul>	<ul style="list-style-type: none"> <li>• Wellhead treatment</li> </ul>
Wellhead Treatment <sup>1</sup>	<ul style="list-style-type: none"> <li>• Chlorination or ozonation for disinfecting (required for all wells)</li> <li>• Ion Exchange for nitrates and other contaminants</li> <li>• Activated Carbon</li> </ul>	<ul style="list-style-type: none"> <li>• Reverse osmosis</li> </ul>
Blending	<ul style="list-style-type: none"> <li>• If multiple wells in proximity have varying levels of constituents, blending could occur to dilute contaminants to legal levels prior to distribution</li> </ul>	
<b>Existing Wells at Risk of Contamination by Project Operations</b>		
Treatment Option	First Priority Method	Secondary Priority Method
Careful Management	<ul style="list-style-type: none"> <li>• Participate in ongoing conjunctive use management of the Basin so Project is a benefit to Basin health for a safe drinking water supply and for the ecological health of the watershed</li> </ul>	<ul style="list-style-type: none"> <li>• choose alternative production and/or spreading location(s)</li> <li>• produce or spread at a different time of year</li> <li>• install barrier wells</li> </ul>
Blending	<ul style="list-style-type: none"> <li>• If multiple wells in proximity have varying levels of constituents, blending could occur to dilute contaminants to legal levels prior to distribution</li> </ul>	
Alternative use of contaminated water	<ul style="list-style-type: none"> <li>• Could be effective in areas where non-potable system or other non-potable use exists if affected well operator is provided with drinking water quality replacement water from another source</li> </ul>	

<sup>1</sup> Other than disinfecting, all other treatment approaches are dependent on the contaminants that need to be removed.

(DSEIR pp. 4.7-33–34.)

Supporting Explanation:

*Operational Effects – San Bernardino Groundwater Basin*

*Basin-wide TDS and Nitrate Analysis*

Impacts to basin-wide water quality will be less than significant because the quality of the SWP water being imported and spread into the Basin Area is of equal or better quality than the existing ambient water quality of the Basin Area; RWQCB Water Quality Objectives are not exceeded as a result of the project, even though current conditions may exceed these objectives; and there is no significant adverse change that results from the Project operations based on modeled comparisons to a Baseline Run. (DSEIR p. 4.7-23.)

### *PCE, TCE and Perchlorate Analysis*

The results of both the 2009 and 2010 hydrologic modeling, applicable to the Proposed Project, show that the RCF conjunctive scenarios will not adversely impact the contamination plumes within the Basin Area due to the option to extract from the new well field proposed adjacent to the Central Feeder Connection. (DSEIR pp. 4.7-24–25.) Newmark and Muscoy PCE Plume, Norton and Redland-Crafton TCE plumes, and the perchlorate plume are all reduced in size as a result of the RCF Scenarios compared to the Baseline Run (No Project). (DSEIR p. 4.7-25.) Therefore, potential basin-wide impacts associated with the existing contamination plumes are less than significant. (*Ibid.*)

### *Underflow Outflow Analysis*

For all the underflow outflows, the total mass of the underflow is substantially less based on the prolonged dry year modeling assumptions (2010 Geoscience). (DSEIR p. 4.7-25.) Thus, potential impacts of underflow are less than significant. (*Ibid.*)

### *San Bernardino Area Conclusions/Recommendations*

WMWD has been participating in ongoing management efforts with the Basin Area Technical Advisory Committee (BTAC) which will assure that the Project is included and managed to avoid adverse impacts to water levels in the Basin Area. (DSEIR p. 4.7-30.) The ongoing monitoring and adaptive management recommended by MM GWQ 2 is still necessary, but the mitigation measure has been revised to include WMWD's involvement with the TAC. (*Ibid.*) The currently revised mitigation measure, MM GWQ 2(Revised), will replace MM GWQ 1 and 2 from the 2005 PEIR. (*Ibid.*) Potential adverse impacts to groundwater levels in the San Bernardino Basin Area will be less than significant with implementation of mitigation measure MM GWQ 2(Revised). (*Ibid.*) Potential adverse impacts to groundwater quality overall in the Basin Area and at individual existing wells will be less than significant with implementation of mitigation MM GWQ 2 (Revised). (*Ibid.*)

### *Operational Effects – Chino Groundwater Basin*

Pursuant to the DYYP Expansion, WMWD would have access to a maximum of 5,000 AF/YR from the Chino Basin desalter. (DSEIR p. 4.7-32.) This amount would be consistent with the provisions of the Chino Basin Watermaster's Optimum Basin Management Program as evaluated in the Peace II Final SEIR. (*Ibid.*) Pursuant to that analysis of the DYYP Expansion and Peace II SEIR, no significant impacts related to groundwater quality within the Chino Basin are anticipated as a result of implementation of the Proposed Project. (*Ibid.*)

## **F. HAZARDS AND HAZARDOUS WASTE/MATERIALS**

1. Impact: With mitigation, impacts from hazards and hazardous materials would not be considered potentially significant if the Proposed Project is to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section

65962.5 and, as a result, the Proposed Project would not create a significant hazard to the public or the environment. (DSEIR p. 4.8-10.)

Finding: The following Mitigation Measures will reduce impacts from hazards and hazardous waste and materials on the public and the environment to a less than significant level. (DSEIR p. 4.8-22.)

- MM Haz 1**            Avoid sites and alternative alignments on or near environmentally contaminated property. If avoiding a particular site compromises physical engineering requirements, then the following mitigation measures shall be implemented to reduce environmental effects related to hazards as a result of the project to a level below significance. (DSEIR p. 4.8-25.)
  
- MM Haz 2**            Check potential sites for listing on the most recent Hazardous Waste and Substances List (List) provided by the San Bernardino County Division of Hazardous Materials and by the Riverside County Department of Environmental Health pursuant to Section 65962.5 of the Government Code. If a selected site is on the List, avoidance of that property will be the first consideration. (*Ibid.*)
  
- MM Haz 3**            If the selected future alignment traverses a site listed on the List and avoidance is not feasible or if there are other indications that a site could be contaminated (i.e., where pipeline alignment crosses railroad rights-of-way), a Phase I Environmental Site Assessment (ESA) will be prepared. (*Ibid.*)
  
- MM Haz 4**            If the Phase 1 ESA identifies possible contamination on the pipeline alignment, then recommended subsurface investigation measures listed in the Phase I ESA will be implemented. Based on subsurface investigations characterizing subsurface contamination, remediation measures shall be implemented for the applicable site or an alternative alignment will be chosen. (*Ibid.*)
  
- MM Haz 5**            All environmental investigation and/or remediation shall be conducted under a Work plan approved by jurisdictional regulatory agencies overseeing hazardous waste cleanups. For the cities of Corona and Riverside, the local agencies are City of Corona Fire Department and City of Riverside Fire Department. For the Cities of San Bernardino, Colton and Grand Terrace, the enforcement agency is the County of San Bernardino Fire Department, Hazardous Materials Division. In the unincorporated Riverside County, the Department of Environmental Health administers a program for the purpose of monitoring establishments where hazardous waste is generated, stored, handled, disposed, treated, or recycled, and to regulate by the issuance of permits, the activities of establishments where hazardous waste is generated. For any jurisdiction that may

not be or have access to a responsible party for this purpose, the California Department of Toxic Substances Control shall be used to provide oversight. (DSEIR pp. 4.8-25 – 26.)

- MM Haz 5a** All environmental investigation and/or remediation shall be conducted under a Work plan approved by jurisdictional regulatory agencies overseeing hazardous waste cleanups. For the City of Redlands, the local agency is City of Redlands Fire Department. For the City of Rialto and County of San Bernardino, the enforcement agency is the County of San Bernardino fire Department, Hazardous Materials Division. For any jurisdiction that may not be or have access to a responsible party for this purpose, the California Department of Toxic Substances Control shall be used to provide oversight. (DSEIR p. 4.8-26.)
- MM Haz 6** Prior to any excavation or soil removal action on known contaminated sites, or if contaminated soil (i.e., soil with a visible sheen or detectable odor) is encountered, complete characterization of the soil will be conducted. Appropriate sampling shall be conducted prior to disposal of the excavated soil. If the soil is contaminated, it shall be properly disposed of it according to Land Disposal restrictions. If site remediation involves the removal of contamination, then contaminated material will need to be transported off-site to a licensed hazardous waste disposal facility. This may incrementally decrease the volume available at a hazardous waste disposal site or incrementally increase the emissions of a hazardous waste incinerator. These impacts are not considered significant. If the Proposed Project plans on importing soils to backfill the areas excavated, proper sampling shall be conducted to make sure that the imported soil is free of contamination. (*Ibid.*)
- MM Haz 7** If during construction of the Project, soil and/or groundwater contamination is suspected, construction in the area shall cease and appropriate Health and Safety measures shall be implemented. The Project proponent shall contact the respective jurisdictional enforcement agency (see MM Haz 5) to obtain the necessary information on appropriate measures and their implementation. (*Ibid.*)
- MM Haz 8** If the selected future alignment traverses a site listed on the List and avoidance is not feasible or if there are other indications that a site could be contaminated (i.e., where pipeline alignment crosses railroad rights-of-way), an electronic —sniffer capable of detecting actionable levels of hydrocarbons shall be employed during excavation activities in proximity to the previously referenced sites in lieu of preparing a Phase I Environmental Site Assessment (ESA)

as required in MM Haz 1. Should actionable levels of contaminants be encountered, these materials shall be removed and disposed of in accordance with applicable regulations or pursuant to MM Haz 4 through MM Haz 7. (*Ibid.*)

**MM Haz 9**

To reduce potentially hazardous conditions and minimize the impacts from the handling of potentially hazardous materials, the following shall be included in WMWD construction specifications for all construction projects covered by this SEIR/EIS:

- The contractor(s) shall enforce strict on-site handling rules to keep construction and maintenance materials out of receiving waters and storm drains. In addition, the contractor(s) shall store all reserve fuel supplies only within the confines of a designated construction staging area, and regularly inspect all construction equipment for leaks.
- The contractor(s) shall prepare a *Health and Safety Plan*. The plan shall include measures to be taken in the event of an accidental spill.
- The construction staging area(s) shall be designed to contain contaminants such as oil, grease, and fuel products so that they do not drain towards receiving waters or storm drain inlets.

(DSEIR pp. 4.8-26 – 27.)

Supporting Explanation: Environmental Data Resources (EDR) reports were reviewed in order to identify any known or suspected contamination sites or incidents of hazardous waste storage or disposal which might have resulted in soil or groundwater contamination within a one-mile radius of the project property. (DSEIR p. 4.8-10.) Among the databases searched included in the EDR reports were National Priority List (NPL) (federal, tribal, and state equivalent), proposed and delisted NPL, CORRACTS (RCRA facilities subject to corrective actions), hazardous waste sites identified for investigation or remediation Compensation and Liability Information System (CERCLIS), State CERCLIS, Voluntary Cleanup Priority List (VCP), Brownfields Calsites, Leaking Underground Storage Tank incident reports (LUST), sites with engineering controls, former CERCLIS (NFRAP), Resource Conservation and Recovery Act (RCRA) and state hazardous waste generators, Solid Waste Landfill Facilities (SWLF), Underground Storage Tanks (USTs), Toxic Pits, Hazardous waste manifests (HAZNET), Facility Index System (FINDS), Small Quantity Generators (SQGs), Large Quantity Generators (LQGs), USTs, Historical UST Registered Database (HIST UST), RCRA violations, and Toxic Chemical Release Inventory (TRIS). (*Ibid.*)

Sites that are hazardous waste generators are listed on the following databases, including: Hazardous waste manifests (HAZNET), FINDS, SQGs, LQGs, USTs, HIST UST, RCRA violations, and TRIS facilities with toxic chemical releases, use, or storage of hazardous materials; and thus, may pose a potential problem in the event of a spill or leak. (*Ibid.*) However, unless these sites also appear in an agency list of contaminated sites, there is no

evidence of any problems at this time. (*Ibid.*) Therefore, sites on these lists do not pose a significant hazard to the public or environment. (*Ibid.*)

Based on the results of the EDR Reports, the Central Reach of the Proposed Project will pass within the close vicinity of forty-eight hazardous materials sites under various regulatory statuses. (DSEIR p. 4.8-22.) However, the Central Reach is not expected to cross any of these sites. (*Ibid.*) Rather, it will be generally constructed within road rights-of-way, with the exception of the Santa Ana River crossing, thereby avoiding the hazardous materials sites. (*Ibid.*) Similarly, the Northern Reach will be primarily constructed within road rights-of-way and will avoid the currently identified hazardous materials sites. (*Ibid.*) The Central Feeder Connection, Clay Street Connection, Mockingbird Connection, and La Sierra Pipeline will also be generally constructed within the road rights-of-way and should avoid the currently identified hazardous materials sites. (*Ibid.*) It should be noted that additional hazardous materials sites may be added to the lists of documented sites before construction of the Northern Reach begins in approximately 10 years. (*Ibid.*)

Although no significant impacts related to these sites are anticipated, common types of contamination could be encountered during construction of the Proposed Project resulting from LUST, poor chemical handling, and accidental or intentional unauthorized chemical releases. (*Ibid.*) However, through implementation of the Mitigation Measures, which provide for the safe identification and clean-up of hazardous materials, potential impacts will be reduced to less than significant levels. (*Ibid.*)

2. Impact: With mitigation, impacts to hazards and hazardous materials would not be considered potentially significant because the Proposed Project would not result in a safety hazard for people residing or working in the project area. (DSEIR p. 4.8-22.)

Finding: The following Mitigation Measures will mitigate impacts which may result in a safety hazard for people residing or working in the project area to a less than significant level. (DSEIR p. 4.8-23.)

**MM Haz 8** If the selected future alignment traverses a site listed on the List and avoidance is not feasible or if there are other indications that a site could be contaminated (i.e., where pipeline alignment crosses railroad rights-of-way), an electronic —sniffer capable of detecting actionable levels of hydrocarbons shall be employed during excavation activities in proximity to the previously referenced sites in lieu of preparing a Phase I Environmental Site Assessment (ESA) as required in MM Haz 1. Should actionable levels of contaminants be encountered, these materials shall be removed and disposed of in accordance with applicable regulations or pursuant to MM Haz 4 through MM Haz 7. (DSEIR p. 4.8-26.)

**MM Haz 10** A minimum of 45 days prior to commencement of the Central Reach construction projects and a minimum of 45 days prior to commencement of the Clay Street Connection construction projects,

the manager of the Riverside Municipal Airport shall be consulted in order to determine whether construction activities and construction equipment will encroach into the 100-to-1 imaginary surface surrounding the Riverside Municipal Airport. If it is determined that there will be an encroachment into the 100-to-1 imaginary surface, a minimum of 30 days before the date of the proposed construction, Western Municipal Water District shall file a FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, for the construction activity. If FAA determines that the project would potentially be an obstruction unless reduced to a specified height, WMWD will work with FAA to resolve any adverse effects on aeronautical operations. These could include things as, but not limited to:

- The use of construction equipment that is short enough to avoid encroachment into the imaginary surface;
- Alternative construction methods to avoid the use of cranes or other tall equipment; or
- Construction at night when the airport is closed.

(DSEIR p. 4.8-27.)

**MM Haz 11**

To avoid potential impacts resulting from temporary flight hazards within the Flabob Airport Influence Area, no construction equipment shall exceed 70 feet in height within the Northern Reach where it is located in Avalon Street south of the 60 Freeway, Mission Boulevard, and Limonite Street. (*Ibid.*)

Supporting Explanation: The Federal Government has developed standards for determining obstructions in navigable airspace. (DSEIR p. 4.8-22.) Federal Aviation Regulations Part 77 defines a variety of imaginary surfaces at certain altitudes around airports. (*Ibid.*) Part 77 surfaces include the primary surface, approach surface, transitional surface, horizontal surface, and conical surface. (*Ibid.*) Collectively, Part 77 surfaces around an airport define a bowl-shaped area with ramps sloping up from each runway end. (*Ibid.*) Part 77 standards are not absolute height restrictions, but instead, identify elevations at which structures may present a potential safety problem. (*Ibid.*) Penetrations of Part 77 surfaces generally are reviewed on a case-by-case basis. (*Ibid.*)

Part 77, Section 77.13.2.i requires that any construction or alteration of a greater height than an imaginary surface extending upward and outward at a 100-to-1 slope from the nearest point of the runway will require the preparation of Federal Aviation Administration (FAA) Notice of Proposed Construction or Alteration (FAA Form 7460-1). (*Ibid.*) This notice must be submitted to the FAA at least 30 days before the date that the proposed construction or alteration is to begin or the date that the application for a construction permit will be filed, whichever is earlier. (*Ibid.*) Notwithstanding, the established airfield elevation of 816.0 mean sea level (msl) set forth for the Riverside Municipal Airport, the elevation of Runway 9-27 at its nearest point to the

Proposed Project (Van Buren Blvd. and Doolittle Avenue) is 758.0 msl; and the elevation of Runway 16-34 is 771.8 at its north end and 747.9 at its south end. (DSEIR pp. 4.8-22 – 23.) Surface elevations along the Proposed Project range from approximately 670 msl to approximately 1,020 msl. (DSEIR p. 4.8-23.) Near the Riverside Municipal Airport, the surface elevations along Van Buren Boulevard and Doolittle Avenue range from approximately 725 to 742 mean sea level (msl); and along Jackson Street range from approximately 742 msl near Van Buren Boulevard to approximately 895 msl near Cleveland Avenue. (*Ibid.*)

Therefore, depending on the elevation at individual construction sites, the distance from Riverside Municipal Airport runways, and the height of construction equipment; future development of portions of the Proposed Project may encroach into this 100-to-1 slope imaginary surface and will require the filing of Form 7460-1 with the FAA. (*Ibid.*) However, potential impacts upon airport operations will be mitigated to less than significant levels through implementation of mitigation measures MM Haz 8, MM Haz 10, and MM Haz 11. (*Ibid.*)

## G. NOISE

1. Impact: With mitigation, the Proposed Project would have a less than significant impact on the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (DSEIR p. 4.10-15.)

Finding: The following Mitigation Measures will mitigate the impact from the generation of noise levels in excess of applicable standards to a less than significant level. (DSEIR p. 4.10-19.)

### MM Noise 1

Based on the Acoustical Impact Analysis which shows that the 65 dBA Leq is slightly less than one-quarter mile from the pipeline alignment, a minimum of 30 days prior to commencement of construction projects for all reaches and facilities, Western Municipal Water District shall identify all noise-sensitive receptors (e.g., residential dwellings, hotels, hospitals, nursing homes, schools and libraries) located within one-quarter mile of the active construction area. If construction is planned to occur within one-quarter mile of a sensitive receptor, the hours of construction shall be limited to those that would cause the least noise disruption to the sensitive uses and in consultation with the local jurisdiction. Mitigation could include such approaches as:

- Allowing nighttime construction in commercial/industrial areas or adjacent to schools which operate only during the day
- Prohibiting nighttime construction in residential areas
- Time of year construction, such as during a school holiday week

If more than one sensitive receptor that might warrant opposite approaches to hours of operation is affected by the same construction

location, the hours of construction allowed by local jurisdictions regulations shall apply. (DSEIR p. 4.10-31.)

- MM Noise 1a** For portions of the Project to be constructed within the city of Riverside, the need for traffic detours has been identified as a possibility for some locations. If it is determined, once a detailed project alignment is finalized with the City for each segment of construction pursuant to **MM Trans 3b**, that there is no other option but to detour a significant amount of traffic to a street along which sensitive receptors are located, additional noise impacts analysis shall be completed to identify site-specific mitigation measures that are appropriate to the location in question. Some such potential mitigation approaches are outlined in MM Noise 1; the mitigation determined feasible shall be included in the Traffic Control Plan which has to be approved by the City prior to its issuance of the Encroachment Permit. (DSEIR p. 1.0-41.)
- MM Noise 2** Although blasting does not exceed any noise standards because its duration is so short, as a courtesy to adjacent residents, Western Municipal Water District or its designee shall notify residences within one-quarter (1/4) of a mile of any areas that will require blasting, as to the timing and duration of any potential blasting activities associated with the project site. Notification shall take place between a minimum of five (5) and a maximum of ten (10) working days prior to anticipated blasting activity. (DSEIR p. 4.8-31.)
- MM Noise 3** All equipment used during construction shall be muffled and maintained in good operating condition. All internal combustion engines shall be fitted with well maintained mufflers in accordance with manufactures' recommendations. Maintenance and equipment records shall be made available by WMWD upon request if local jurisdictions receive complaints. If records indicate that equipment does not meet the requirements of this measure, the equipment in question shall be services, retrofitted or replaced. (DSEIR pp. 4.10-31-32.)
- MM Noise 4:** The buildings housing pump stations shall be insulated and contain sound attenuation materials to meet local noise standards. (DSEIR p. 4.10-32.)
- MM Trans 6** WMWD shall give written notification to all landowners, tenants, business operators, and residents along the right-of-way of the construction schedule, and shall explain location and duration of the pipeline and construction activities within each street (e.g., which

lane/s will be blocked, at what times of day, and on what dates). WMWD shall identify any potential obstructions to driveway access, and if necessary shall make alternative access provisions. The written notification shall include a toll-free telephone number for business coordination and shall encourage affected parties to discuss their concerns with WMWD prior to the start of construction so individual problems and solutions can be identified. Alternative access provisions shall include WMWD-provided signage and alternate parking as provided and approved by local agencies. (*Ibid.*)

**Supporting Explanation:** Temporary and intermittent construction-related noise levels at sensitive receivers located adjacent to the project site could be considered significant under CEQA, even though construction activities are exempt from noise regulations in all seven of the affected jurisdictions. (DSEIR p. 4.10-18.) However, since construction of the Project is: temporary in nature, mitigated to assure construction equipment is well maintained, mitigated to notify potentially impacted sensitive receivers, and limited with respect to the hours of construction based upon mitigation and regulations and practices within the affected jurisdictions (MM Noise 1 through MM Noise 3, and MM Trans 6); impacts are considered less than significant with mitigation and regulations implemented. (DSEIR pp. 4.10-18–19.) MM Noise 1 requires limitations on the times of construction for noise-sensitive receivers located within one-quarter mile of the project because all 65 dBA or higher noise contours fall within this distance. (*Ibid.*) MM Noise 2 requires notification of all residences in areas where blasting may need to occur. (*Ibid.*) MM Noise 3 requires well-maintained mufflers on construction equipment. (*Ibid.*) MM Trans 6 requires notification of all uses immediately adjacent to construction and provides a contact phone number. (*Ibid.*) The only potentially significant operational noise will come from operating pump stations which will be mitigated by MM Noise 4. (*Ibid.*)

2. **Impact:** With mitigation, the Proposed Project would have a less than significant impact on substantial temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project. (DSEIR p. 4.10-30.)

**Finding:** The following Mitigation Measures will mitigate impacts associated with temporary or periodic ambient noise to a less than significant level. (DSEIR p. 4.10-30.)

**MM Noise 1**

Based on the Acoustical Impact Analysis which shows that the 65 dBA Leq is slightly less than one-quarter mile from the pipeline alignment, a minimum of 30 days prior to commencement of construction projects for all reaches and facilities, Western Municipal Water District shall identify all noise-sensitive receptors (e.g., residential dwellings, hotels, hospitals, nursing homes, schools and libraries) located within one-quarter mile of the active construction area. If construction is planned to occur within one-quarter mile of a sensitive receptor, the hours of construction shall be limited to those that would cause the least noise disruption to the sensitive uses and in consultation with the local jurisdiction. Mitigation could include such approaches as:

- Allowing nighttime construction in commercial/industrial areas or adjacent to schools which operate only during the day
- Prohibiting nighttime construction in residential areas
- Time of year construction, such as during a school holiday week

If more than one sensitive receptor that might warrant opposite approaches to hours of operation is affected by the same construction location, the hours of construction allowed by local jurisdictions regulations shall apply. (DSEIR p. 4.10-31.)

**MM Noise 2**

Although blasting does not exceed any noise standards because its duration is so short, as a courtesy to adjacent residents, Western Municipal Water District or its designee shall notify residences within one-quarter (1/4) of a mile of any areas that will require blasting, as to the timing and duration of any potential blasting activities associated with the project site. Notification shall take place between a minimum of five (5) and a maximum of ten (10) working days prior to anticipated blasting activity. (*Ibid.*)

**MM Noise 3**

All equipment used during construction shall be muffled and maintained in good operating condition. All internal combustion engines shall be fitted with well maintained mufflers in accordance with manufactures' recommendations. Maintenance and equipment records shall be made available by WMWD upon request if local jurisdictions receive complaints. If records indicate that equipment does not meet the requirements of this measure, the equipment in question shall be services, retrofitted or replaced. (DSEIR pp. 4.10-31 – 32.)

**MM Trans 6**

WMWD shall give written notification to all landowners, tenants, business operators, and residents along the right-of-way of the construction schedule, and shall explain location and duration of the pipeline and construction activities within each street (e.g., which lane/s will be blocked, at what times of day, and on what dates). WMWD shall identify any potential obstructions to driveway access, and if necessary shall make alternative access provisions. The written notification shall include a toll-free telephone number for business coordination and shall encourage affected parties to discuss their concerns with WMWD prior to the start of construction so individual problems and solutions can be identified. Alternative access provisions shall include WMWD-provided signage and alternate parking as provided and approved by local agencies. (DSEIR p. 4.10-32.)

Supporting Explanation: Construction noise represents temporary rather than permanent increases to ambient noise levels. (DSEIR p. 4.10-30.) Temporary construction-related noise impacts will result in potential noise impacts to sensitive receptors. (*Ibid.*) Construction noise levels will vary depending on construction phase, equipment type, duration of equipment use, and the distance from noise source to receptor, but will cease once construction of the Proposed Project is completed. (*Ibid.*)

Additionally, construction of the reservoir portion of the Project's Mockingbird Connection component may require blasting. (*Ibid.*) If required, blasting activities will be short in duration and will not be employed throughout the entire construction period. (*Ibid.*) Such noise occurrences are so short in duration that they do not meet 10-minute Leq standards, but they can cause concern from residents in the vicinity that are unaware that construction activities are the cause of the associated noise. Therefore, MM Noise 2 is intended to inform local residents of the blasting occurrences and when they are anticipated.

The Proposed Project does not include long-term operational noise; however, construction of the Proposed Project will be the source of temporary intermittent noise. (*Ibid.*) Although construction activities will increase noise levels in the local vicinity of the project site construction-related noise will only occur on a temporary basis, and MM Noise 1 through MM Noise 3, and MM Trans 6 require mitigation that will reduce construction noise impacts through various means including adjusting construction times or day or year adjacent to sensitive receptors, providing notification of noise and construction, and requiring equipment to be muffled and well maintained. (*Ibid.*) These mitigation measures in addition to regulatory compliance will reduce temporary or periodic increases in ambient noise levels in the project vicinity to less than significant levels with mitigation. (*Ibid.*)

## **H. STORMWATER/WATER QUALITY**

1. Impact: With mitigation, construction or operation of the Proposed Project would have a less than significant impact to surface water quality and would not violate water quality standards or otherwise substantially degrade water quality. (DSEIR p. 4.11-8.)

Finding: The following Mitigation Measure will mitigate the impact of construction or operations on surface water quality to a less than significant level. (DSEIR p. 4.11-11.)

**MM Water Qual 1** WMWD shall require contractors to implement a program of best management practices (BMPs) and best available technologies to reduce potential impacts to water quality that may result from construction activities. To reduce or eliminate construction-related water quality impacts before the onset of construction activities, the construction agent(s) shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General construction permit. Construction activities shall comply with the conditions of this permit that include preparation of a stormwater pollution prevention plan (SWPPP), implementation of

BMPs, and monitoring to insure impacts to water quality are minimized. As part of this process, multiple BMPs shall be implemented to provide effective erosion and sediment control. These BMPs shall be selected to achieve maximum sediment removal and represent the best available technology that is economically achievable. BMPs to be implemented as part of this mitigation measure shall include, but are not limited to, the following:

- a. Temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other groundcover would be employed for disturbed areas to avoid water erosion. Stockpiled dirt could be covered, misted continuously, protected with three-sided temporary wind breaks or other means to avoid wind erosion.
- b. Storm drain inlets on the site and in downstream offsite areas shall be protected from sediment with the use of BMP's acceptable to the construction agent(s), local jurisdictions and the California Regional Water Quality Control Board, Santa Ana Region.
- c. Dirt and debris shall be swept from paved streets in the construction zone on a regular basis, particularly before predicted rainfall events.
- d. No disturbed surfaces shall be left without wind or water erosion control measures in place between October 15 and April 15, and when the winds exceed 25 MPH. The construction agent(s) shall file a Notice of Intent with the Regional Board and require the preparation of a SWPPP prior to commencement of construction. The construction agent(s) shall routinely inspect the construction site to verify that the BMP's specified in the SWPPP are properly installed and maintained. The construction agent shall immediately notify the contractor if there were a noncompliance issue and require immediate compliance.
- e. Controls on construction site dewatering shall be implemented. If possible, water generated as part of construction dewatering shall be discharged onsite such that there would be no discharge to surface waters. If discharge to surface waters were unavoidable, the construction agent shall obtain coverage under the NPDES

General Dewatering Permit prior to commencement of construction. The provisions of this permit are sufficiently protective of water quality to ensure that impacts to surface waters would remain below significance thresholds. During dewatering activities, all permit conditions shall be followed. The construction agent(s) shall routinely inspect the construction site to verify that the BMP's specified in the SWPPP are properly installed and maintained. The construction agent shall immediately notify the contractor if there were a noncompliance issue and require immediate compliance. (DSEIR pp. 4.11-11 – 12.)

Supporting Explanation: The proposed water transmission pipelines constructed as part of the Project will be constructed underground primarily within existing and future road rights-of-way. (DSEIR p. 4.11-10.) Wells may be constructed as part of the Project. (*Ibid.*) Additionally, the Proposed Project includes the construction of a water storage reservoir and a booster station as part of the Mockingbird Connection and booster stations as part of Reach G (Refinement) and the Clay Street Connection. (*Ibid.*) These aspects of the Project will not involve discharge of water which would violate long-term implementation of water quality standards or waste discharge requirements. (*Ibid.*) Construction of the proposed facilities may result in the discharge of sediment and construction by-products. (*Ibid.*)

In order to reduce the discharge of pollutants into receiving waters during construction of the Proposed Project, WMWD will be required to prepare a site-specific Storm Water Pollution Prevention Plan (SWPPP) for each construction phase in accordance with the State Water Resources Control Board's (SWRCB) General Permit for Construction Activities. (*Ibid.*) The General Permit requires the development and implementation of a site-specific SWPPP to identify an effective combination of erosion control and sediment control best management practices (BMPs) to minimize or eliminate the discharge of pollutants into receiving waters. (*Ibid.*) In addition, BMPs for managing sources of non-storm water discharges and waste are required to be identified in the SWPPP. (*Ibid.*) Examples of construction BMPs include silt fencing, gravel bag berms, fiber rolls, and street sweeping. (*Ibid.*) In addition, the SWPPP is required to identify post-construction BMPs, which are permanent features which will be maintained in perpetuity. (*Ibid.*)

Installation of the pipelines may result in the discharge of water resulting from dewatering activities associated jack and bore construction techniques and with pipeline flushing. (*Ibid.*) Should these flows occur, discharges will be performed in accordance with the California Regional Water Quality Control Board, Santa Ana Region Order No. R8-2009-0003, which establishes waste discharge requirements for discharges to surface waters that pose an insignificant (De Minimus) threat to water quality, and the National Pollutant Discharge Elimination Systems (NPDES) Permit. (*Ibid.*) MM Water Qual 1a through 1d require best management practices (BMPs) which reduce such potential impacts to less than significant. (*Ibid.*)

For proposed pipelines that cross the Santa Ana River, temporary alteration of drainage patterns may occur. (DSEIR p. 4.10-11.) Construction will most likely use trenchless technologies, the primary of which is jack and bore, or an alternative method of horizontal directional drilling. (*Ibid.*) Compliance regulatory requirements and implementation of the NPDES permit will reduce any potential impacts to construction-related discharge. (*Ibid.*) If dewatering activities are necessary during future construction due to locally high groundwater conditions at the time of construction, mitigation measure MM Water Qual 1e requires WMWD to obtain California State Water Resources Control Board (SWRCB) dewatering permits for dewatering activities associated with all boring and microtunneling and requires implementation of mitigation measures, will reduce potential impacts to water quality to less than significant levels. (*Ibid.*)

Through compliance with the General Construction NPDES permit and implementation of mitigation measures MM Water Qual 1a to 1e, water quality standards and waste discharge requirements will not be violated, and water quality will not otherwise be degraded, by the Proposed Project; therefore, impacts are considered less than significant. (*Ibid.*)

## **I. TRANSPORTATION AND TRAFFIC**

1. Impact: With mitigation, the Proposed Project would not have a substantial adverse impact on the existing traffic load and capacity of the street system. (DSEIR p. 4.12-21.)

Finding: The following Mitigation Measures will mitigate the impact of construction or operation of the project on the existing traffic load and street capacity to a less than significant level. (DSEIR p. 4.12-29.)

**MM Trans 2** A Traffic Control and Safety Plan shall be prepared for each reach of construction. WMWD shall coordinate with affected transit agencies, schools, fire stations and other affected local jurisdictions on the preparation of each Traffic Control and Safety Plan. Traffic Control and Safety Plans may include, but not be limited to, such things as adjusted hours of construction in certain locations, signs, flagmen, adequate notice of construction schedules, and cones or barriers to detour traffic. The Traffic Control and Safety Plan for each Reach shall be completed and notice/information given to affected sensitive sites at least 30-days prior to the anticipated disruption to be caused by construction. (DSEIR p. 4.12-37.)

**MM Trans 2a** Based on the Traffic Impact Study Report and Traffic Impact Study Report Addendum prepared for the project, it is concluded that the traffic impacts generated from the installation of the pipeline will require implementation of mitigation which may include non-peak hour construction (AM peak hours are 7:00 a.m. to 9:00 a.m., PM peak hours are 4:00 p.m. to 6:00 p.m.), temporary lane closures, temporary lane shifts using channelizing devices, temporary signal phasing modifications, and detours to divert traffic through nearby

streets. A Traffic Control and Safety Plan shall be prepared for each reach of project construction. To maintain traffic flow and reduce air quality impacts, Traffic Control and Safety Plans shall implement recommendations on pages 1-3 through 1-12 of the Traffic Study and 1-3 through 1-6 of the Traffic Study Addendum, and shall ensure that all vehicular/pedestrian/bike connections are maintained throughout the construction period and may include, but not be limited to, such things as:

- identification of all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow;
- circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone;
- procedures to limit lane closures during peak hours to the extent possible;
- haul routes that would minimize truck traffic on local roadways to the extent possible;
- detours for bicycles and pedestrians in all areas potentially affected by project construction;
- procedures ensuring that open trenches subject to vehicular or pedestrian traffic would be covered at the end of each workday with metal plates capable of accommodating traffic;
- the installation of traffic control devices as specified in the California Manual on Uniform Traffic Control Devices;
- the installation of safety fencing, where needed, to protect pedestrians from construction areas;
- applicable railroad safety and engineering guidelines that would be adhered to when installing pipeline within a railroad right-of-way, and by which all construction crews and project personnel would be trained on applicable railroad safety guidelines prior to commencing work within the railroad right-of-way;
- procedures by which construction vehicles and equipment would not cross the tracks except at established public crossings or as specified by the applicable railroad company;
- developed access plans to be implemented for highly sensitive land uses such as police
- and fire stations, transit stations, hospitals, and schools. The access plans would be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, affected jurisdictions shall be asked to identify detours for emergency vehicles, which will then be posted by the contractor. The facility owner or operator shall be notified in

advance of the timing, location, and duration of construction activities and the locations of detours and lane closures;

- procedures to store construction materials only in designated areas;
- coordination with local transit agencies for temporary relocation of routes or bus stops in work zones, as necessary;
- plans to restore all roads disturbed during project construction to their preconstruction condition, pursuant to franchise agreements with an applicable jurisdiction;
- provide dedicated turn lanes for movement of construction trucks and equipment on and off site; and
- reroute construction trucks away from sensitive receptor areas.

(DSEIR pp. 4.12-37 – 38.)

**MM Trans 3**

Prior to the commencement of each individual construction project, WMWD and its contractor shall consult with the affected local jurisdiction(s) in order to coordinate project construction with applicable Capital Improvement Projects, underground facilities and/or other known potential items needing to be taken into account during final design, plan specifications, and/or construction so that issues can be avoided and/or remedies included in the specifications that meet with each jurisdiction's requirements. (DSEIR p. 4.12-38.)

**MM Trans 3a:**

Project specifications for the portion of the Project construction that includes the intersection of Van Buren Boulevard and Arlington Avenue within the city of Riverside shall ensure the red light enforcement system is not impacted so that it remains operational. In addition, if the contractor anticipates impacts to the red light enforcement system anywhere within the city of Riverside, WMWD and its contractor shall consult with the City of Riverside Public Works Department, provide plans and proposed specifications including construction timing and duration, construction techniques to clearly identify potential impacts and to show that specifications ensure that such red light enforcement shutdowns are minimized during pipe installation.

**MM Trans 3b**

For portions of the Project to be constructed within the city of Riverside, prior to the commencement of each individual construction project (i.e., portion of the whole Project), WMWD and its engineer shall consult with the Riverside Public Works Department and Planning Department regarding the detailed intended alignment. The intended alignment will be designed to minimize impacts to local business access to the greatest extent feasible. The Alignment Study will be adjusted/completed with City comments in

mind and provided to City for review. To assure that all detailed issues associated with the detailed alignment are being addressed, 50% plans shall be provided to the City for review and comment. Issuance of the Encroachment Permit will constitute the City's approval of plans, specifications, Traffic Control Plans and any other items required for approval of such.

- MM Trans 4** WMWD shall restrict all necessary lane closures or obstructions along the Northern Reach on major roadways to off-peak periods in urbanized areas to mitigate traffic congestion and delays which would be caused by lane closures during construction and by exploratory excavations. Lane closures must not occur between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m., or as directed in writing by the affected public agency. Alternatively, WMWD shall consider nighttime construction in areas where no residences are located within 500 feet, and where traffic impacts could be reduced by avoidance of daytime construction. WMWD shall have a Traffic Management Plan prepared by a registered Traffic Engineer for the Northern Reach, describing which traffic lanes would require closure based on the pipeline location within each street, and where night construction is proposed. This plan shall be approved by each affected local jurisdiction prior to construction and implementation by WMWD. (DSEIR pp. 4.12-38-39.)
- MM Trans 5** Prior to finalizing plans for individual construction projects, WMWD shall identify all land uses along the right-of-way where project construction may adversely affect vehicular access to driveways. Where practicable, WMWD shall install the pipeline in a street location or in a manner which minimizes access problems. WMWD shall also develop construction scheduling in a manner that minimizes impacts to businesses or residential areas, scheduling construction to avoid the hours or days of the week during which businesses receive the most customers, and avoiding peak traffic times adjacent to residential areas. (*Ibid.*)
- MM Trans 6** WMWD shall give written notification to all landowners, tenants, business operators, and residents along the right-of-way of the construction schedule, and shall explain location and duration of the pipeline and construction activities within each street (e.g., which lane/s will be blocked, at what times of day, and on what dates). WMWD shall identify any potential obstructions to driveway access, and if necessary shall make alternative access provisions. The written notification shall include a toll-free telephone number for business coordination and shall encourage affected parties to discuss

their concerns with WMWD prior to the start of construction so individual problems and solutions can be identified. Alternative access provisions shall include WMWD-provided signage and alternate parking as provided and approved by local agencies. (*Ibid.*)

**MM Trans 7** WMWD shall submit the location of proposed staging area(s) to appropriate local jurisdictions for review and approval. WMWD shall state the size of the area, the purpose (e.g., storage of construction equipment and employee parking), the number of vehicles and pieces of equipments to be stored, and the duration (in number of days and number of hours per day) that each staging area will be used. Such areas shall be configured to minimize traffic interference. (*Ibid.*)

**MM Trans 8** WMWD shall provide a shuttle bus service for construction workers from convenient off-street parking areas to the work sites to minimize traffic volumes and parking demand at the work sites. Sufficient off-street parking shall be provided at the bus service staging areas so that adjacent or nearby parking facilities are not adversely affected. Multiple staging areas shall be utilized, if necessary, to reduce traffic impacts on the roadways serving the staging areas. A plan for use of shuttle buses and parking areas shall be submitted to the affected local jurisdictions for review and written approval. (*Ibid.*)

**MM Trans 9** Based on the Traffic Impact Study Report Addendum prepared for the project, it is concluded that the traffic impacts generated from the installation of the pipeline at the Mockingbird Connection underneath Van Buren Boulevard shall utilize a jack and bore method of construction so that construction will not impact traffic. Construction shall be handled so as to continue to allow access to local residents. (DSEIR p. 4.12-40.)

Supporting Explanation:

*Central Reach*

Traffic increases due to the Proposed Project will consist of construction worker vehicles and trucks hauling dirt or delivering materials. (DSEIR p. 4.12-27.) The numbers of vehicles varies somewhat depending on the type of construction being performed, tunneling/boring or traditional trenching. (*Ibid.*) The Proposed Project's traffic will represent a small increase in relation to the existing traffic in some areas and a larger increase in relation to existing traffic in other locations. (*Ibid.*) In general, however, impacts to traffic from the Project will consist of minor (less than 100 trips per day) short-term increases in vehicle trips which will be a less than significant increase in traffic. (*Ibid.*) Based on the traffic study, it is concluded that the traffic impacts generated from the installation of the pipeline along the Central Reach will require non-

peak hour construction and/or detours for 27 of the 36 studied intersections. (DSEIR pp. 4.12-27–28.) With implementation of mitigation measure MM Trans 2, impacts at study area intersections will be less than significant. (DSEIR p. 4.12-28.)

### *Northern Reach*

There are two ways that pipeline construction activities would interface with the roadway network. (DSEIR p. 4.12-28.) Construction would either cross a roadway or it would run parallel to a roadway within or adjacent to the public right-of-way. (*Ibid.*) At the locations where the pipeline would run parallel to and/or longitudinally within a roadway, portions of the roadway which are currently used for traffic circulation and/or parking would be temporarily displaced. (*Ibid.*) Detours around each construction zone would be necessary. (*Ibid.*)

Another impact would be the generation of additional traffic on the roadways in the project area as construction workers, equipment delivery trucks, and excavation trucks travel to and from the pipeline construction zone. (*Ibid.*) It is expected that most laborers would be meeting in a staging yard and would be transported to the construction site in the work trucks and pick-up trucks. (*Ibid.*) The impacts of employee traffic on specific streets and intersections cannot be determined as the locations of the staging areas have not been established. (*Ibid.*)

The automobile traffic generated by construction workers would be at two specific times during the day – arriving at the staging areas in the morning and leaving in the afternoon (for a daytime shift). (*Ibid.*) The truck trips would be distributed throughout the day. (*Ibid.*) As compared to the existing traffic volumes on the streets serving the project area, the temporary increase in traffic generated by the construction of the pipeline would be minimal. (*Ibid.*) The impact of automobile traffic and truck trips would be adverse but not significant with the utilization of staging areas, assuming the implementation of mitigation measures below. (*Ibid.*)

Construction of the Project's Mockingbird Connection, does not require the analysis of any intersections since the proposed pipeline will not affect any General Plan intersections. (DSEIR p. 4.12-29.) At its connection underneath Van Buren Boulevard, a jack and bore method of construction shall be used so construction will not impact the roadway segment. (*Ibid.*) Construction shall be handled so as to continue to allow access to local residents. (*Ibid.*)

With implementation of the following mitigation measures, MM Trans 2 through MM Trans 9, WMWD would be required to provide traffic control plans for the Project that detail project impacts, and would also require coordination with affected jurisdictions and other a specific construction methods to be employed; therefore, impacts are considered less than significant with mitigation. (*Ibid.*)

Development of the Northern Reach through the City of Colton has the potential to temporarily disrupt the use of any of the Class II Bicycle Routes listed in Table 4.12-D that have been established prior to the beginning of construction activities. (DSEIR p. 4.12-30.) However compliance with mitigation measures MM Trans 11 and MM Trans 12 will reduce the potential impact to below the level of significance. (*Ibid.*)

2. **Impact:** With mitigation, the Proposed Project would have a less than significant conflict with adopted policies, plans, or programs supporting alternative transportation. (DSEIR p. 4.12-29.)

**Finding:** The following Mitigation Measures will mitigate any potential conflict with adopted policies, plans, or programs supporting alternative transportation to a less than significant level. (DSEIR p. 4.12-36.)

- MM Trans 1** Bus stops and signs temporarily removed or closed by the Proposed Project shall be replaced and posted pursuant to the standards and requirements of the affected transit agency. (DSEIR p. 4.12-37.)
  
- MM Trans 1a** WMWD shall coordinate the potential temporary closure of bus stops with the affected public transit agency (RTA and/or Omnitrans) to set up and comply with a collection and storage procedure that safeguards any bus stop furniture, such as bus shelters, passenger waiting benches, trash receptacles and bus stop signage, that must be removed prior to commencement of individual construction projects. (*Ibid.*)
  
- MM Trans 10** WMWD shall coordinate in advance with public transit agencies (RTA and Omnitrans) to avoid disruption to transit operations. Public transit agencies which operate bus routes on the roadways potentially affected by the proposed construction activities shall be informed in advance of the pipeline project and the potential impacts at the bus stop locations. Alternative pick-up/drop off locations shall be determined and signed appropriately. WMWD shall document coordination with transit agencies and provide documentation to the public agencies prior to the start of construction. (DSEIR p. 4.12-40.)
  
- MM Trans 11** WMWD shall provide alternative pedestrian/bicycle access routes and trails to avoid obstruction to pedestrian/bicycle circulation. Where existing pedestrian circulation routes or bike trails would be obstructed by pipeline construction, alternative access routes shall be identified in consultation with the local jurisdiction and signed/marked appropriately. (*Ibid.*)
  
- MM Trans 12** WMWD shall restore any impacted public street, sidewalks, bikeways and trails to their pre-construction condition, following completion of each individual construction project as mutually agreed between WMWD and the local jurisdiction prior to construction. (*Ibid.*)
  
- MM Trans 13** Encroachment permits for all work within public rights-of-way

shall be obtained from each involved agency prior to commencement of any construction. WMWD shall comply with all traffic control requirements of the affected local agencies. (*Ibid.*)

**MM Trans 14** As required by local jurisdictions, the proposed pipeline shall be jacked under select major intersections to avoid traffic disruption and congestion. (*Ibid.*)

Supporting Explanation:

*Public Transit*

The loss of lanes on the roadways at or near the project site would result in disruption to transit service. (DSEIR p. 4.12-29.) Buses could continue to operate, as the streets and highways would not be blocked; however, there would be traffic delays and some of the bus stops would be rendered temporarily inaccessible for a period of one to two weeks. (*Ibid.*)

Lack of coordination with or consideration for public transportation would be considered a temporary but potentially significant impact. (*Ibid.*) With implementation of mitigation measures MM Trans 1 and MM Trans 10 below, impacts will be reduced to less than significant levels. (*Ibid.*)

*Pedestrian/Bicycle Circulation*

The Proposed Project is primarily located within street rights-of-way located within the boundaries of the cities of Colton, Redlands, Rialto, Riverside, and San Bernardino, and unincorporated areas of the counties of Riverside and San Bernardino. Pedestrian and bicycle circulation within these jurisdictions, as designed in their general plans, may be affected by the pipeline construction activities if pedestrians are unable to pass through the construction zone or if established bike routes are blocked or eliminated. Potential impacts to pedestrian and bicycle circulation may affect pedestrian and bicycle routes that cross the alignment as well as those that are parallel to the alignment (e.g., sidewalks, shoulders, unpaved paths, and bike trails). The discussion on DSEIR pp. 4.12-30 to -36 lists those portions of the proposed project (by road segment) that are identified by Colton, Redlands, Rialto, Riverside, San Bernardino, Riverside County and San Bernardino County as either being the location of designated trails and/or bikeways or as crossing designated trails and/or bikeways. (DSEIR p. 4.12-29.) With implementation of mitigation measures MM Trans 10 through MM Trans 12, these impacts would be less than significant.

**SECTION 4: RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**

The Board of Directors hereby finds that, despite the incorporation of Mitigation Measures outlined in the SEIR and in this Resolution, the following impacts from the Proposed Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

**A. AIR QUALITY/CLIMATE CHANGE**

1. Impact: Even with mitigation, the Proposed Project would violate an ambient air quality standard or contribute substantially to an existing or projected air quality violation related to short-term construction impacts. (DSEIR p. 4.2-41.)

Finding: Although the following Mitigation Measures have been incorporated into the Proposed Project, the Board of Directors finds that the Proposed Project will contribute substantially, in the short term, to an existing or projected air quality violation and a Statement of Overriding Considerations is required. (DSEIR p. 4.2-58.)

**MM Air 1** Prior to construction of the proposed improvements, the Project proponent will provide a traffic control plan that will describe in detail safe detours around the project construction sites and provide temporary traffic control (i.e. flag person) during earthen material transport and other construction-related truck hauling activities (10% reduction). (DSEIR p. 4.2-65)

**MM Air 2** ~~During construction of the proposed improvements one of the following options must be used to supply the power needs for boring/tunneling operations:~~ Prior to construction of the proposed improvements, arrangements will be made with Southern California Edison to facilitate the use of electricity from power poles as a primary source of power for stationary construction equipment, unless construction is occurring at locations where power poles are not available. If access to power poles is not available, the following options must be used to supply the power needs for construction: 1) use natural gas-fueled generator sets; 2) use low-emission, dual-fueled generator sets; or 3) other low-emission power sources/supplies, as appropriate and feasible. (*Ibid.*) ~~Prior to construction of the proposed improvements, arrangement will be made with Southern California Edison to provide temporary construction power at the boring/tunneling sites (67% reduction).~~

**MM Air 3** During construction of the proposed improvements, all mobile and stationary construction equipment will be properly maintained at an off-site location including proper tuning and timing of engines (5 % reduction). Equipment maintenance records and equipment design specification data sheets shall be kept on-site for the complete duration of construction. (*Ibid.*)

**MM Air 3a** Construction deliveries shall be consolidated and scheduled to off peak hours to reduce congestion of local streets. (*Ibid.*)

**MM Air 4a** To reduce fugitive dust emissions, the contractor shall provide WMWD with sufficient proof of compliance with Rule 403 and other dust control measures including, but not limited to:

- requiring the application of non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 20 days or more, assuming no rain);
- requiring all trucks hauling dirt, sand, soil, or other loose materials are to be covered or must maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code;
- suspending all excavating and grading operations when wind gusts (as instantaneous gust) exceed 25 miles per hour over a 30-minute period;
- post contact information outside the property for the public to call if specific air quality issues arise;
- install gravel bed trackout apron (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) to reduce mud/dirt trackout from un paved truck exit routes where appropriate (i.e., Mockingbird reservoir and booster station, Clay Street booster station); and
- use SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway washing trucks when sweeping streets to remove visible soil materials, replace ground cover in disturbed areas as quickly as possible. (DSEIR pp. 4.2-65 – 66.)

**MM Air 7**

To reduce construction vehicle emissions, the bid specification packages for individual Project construction phases shall require the bidding company's fleet of off-road diesel-powered construction equipment greater than 25 hp to meet Tier 3 off-road emissions standards or better. Any emissions control device used by the contractor shall achieve Level 3 emissions reductions of no less than 85 percent for particulate matter, as specified by CARB regulations. The bidding company shall also provide certification that their fleet is in compliance with CARB's In-Use Off-Road Diesel Vehicle Regulation in effect at that time, or proof that the bidding company has applied to the SCAQMD SOON Program (and/or other applicable grant programs) to acquire funding assistance to bring it into compliance. During the bid process, proof of compliance shall be provided to WMWD, which shall include but is not limited to, CARB and/or SCAQMD operating permit(s), and other documentation such as a copy of each unit's certified tier specification, BACT documentation, and/or other compliance documentation.

Supporting Explanation: Based on the regional significance threshold analysis for the Proposed Project, short-term emissions from construction are above applicable SCAQMD daily regional thresholds for one or more pollutants when each construction method and facility is evaluated individually or under the expected concurrent construction schedule. (DSEIR p. 4.2-58.) Short-term construction impacts are considered significant. (*Ibid.*) The long-term operation of the Project will not exceed the daily regional thresholds set by SCAQMD, as previously evaluated in the 2005 Certified PEIR. (*Ibid.*) Long-term operational impacts are considered less than significant. (*Ibid.*)

Based on the LST analysis of the Proposed Project, the short-term construction of the Project will result in localized air quality impacts to sensitive receptors in the project vicinity for NO<sub>x</sub> PM<sub>10</sub>, and PM-2.5. (*Ibid.*) Short-term construction impacts are considered significant. (*Ibid.*) Additionally, no long-term localized significance threshold analysis is necessary. (*Ibid.*) Long-term operational impacts are considered less than significant. (*Ibid.*) Based on the federal conformity analysis, the Project does not exceed the annual de minimus conformity thresholds and is therefore in conformance with the Clean Air Act. (*Ibid.*)

2. Impact: The Proposed Project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. (DSEIR p. 4.2-58.)

Finding: Although the following Mitigation Measures have been incorporated into the Proposed Project, the Board of Directors finds that the increase of any criteria pollutant would remain significant and unavoidable in the short term and a Statement of Overriding Considerations is required. (DSEIR p. 4.2-64.)

**MM Air 5** To address the CAPCOA White Paper on CEQA and Climate Change (CAPCOA) MM E-1 and reduce energy use, high-efficiency pumps shall be used within the project facilities. Pumps shall be selected based on the optimal pump to use for the particular application (i.e. location, hydrology, size, purpose, etc.). This results in low energy use for the application. The Project will use pumps that are as energy efficient as possible without sacrificing performance. (DSEIR p. 4.2-66.)

**MM Air 6** To reduce consumption due to all non-pumping related energy, solar generation is required for lights, timers, landscape irrigation systems, and all other non-pumping energy uses. (*Ibid.*)

Supporting Explanation: Although there are no adopted federal, state, or regional quantitative thresholds for this region, the Project’s annual CO<sub>2</sub> emissions are small compared to similar consumption by statewide activities. (DSEIR p. 4.2-63.)

This analysis used the *two questions* set forth in the revised Appendix G of the newly Adopted Amendments to the State CEQA Guidelines to evaluate the Project’s GHG impacts: 1) would the project generate GHG emissions, either directly, or indirectly that may have a

significant impact on the environment; and 2) would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. (*Ibid.*)

To evaluate the *first question*, the Project's emissions were compared to state electricity consumption for similar activities and applicable mitigation, stating that hydroelectric generating stations shall be constructed as part of the Mockingbird and Clay Street Connections pump station facilities. (*Ibid.*) The electricity demand for the proposed facilities is approximately 41,041 MWh per year which includes the reduction in power consumption due to the generation of 1,113 MWh from the Sterling Hydroelectric Station (Table 4.2-V). (DSEIR pp. 4.2-63 – 64.) The electricity demand for the Proposed Project has the potential to produce approximately 14,464.01 MtCO<sub>2</sub>/year; this is over the SCAQMD draft threshold of 10,000 MtCO<sub>2</sub>E for industrial projects, so further analysis would be warranted. (DSEIR p. 4.2-64.)

Regarding the *second question*, some of the jurisdictions the project traverses have adopted or are in the process of adopting policies or programs (previously described) to reduce GHG emissions and promote the efficient and sustainable use of energy. (*Ibid.*) However, because none of them have an adopted plan or regulation to quantitatively reduce GHG emissions related to the Project's operations, the Scoping Plan will be used in this analysis. (*Ibid.*) The CARB Scoping Plan calls for a reduction in California's GHG emissions of approximately 30 percent from business as-usual emission levels projected for 2020, or about 10 percent from today's levels. (*Ibid.*) However, the majority of the reduction measures address areas such as Vehicle Efficiency, Low Carbon Fuel Standards, California Cap-and-Trade Program, High-Speed Rail, and Sustainable Forests, and as such, are not applicable to the Project, and would not help reduce GHG emissions from the Project. (*Ibid.*) The Project is consistent with the CARB reduction measure for water which has the goal to —continue efficiency programs and use cleaner energy sources to move and treat water. (*Ibid.*) WMWD addresses efficient use of water resources through implementation of its Updated Integrated Regional Water Management Plan. (*Ibid.*) The Project is also consistent with this measure by its incorporation of the hydroelectric generation capabilities proposed with the Sterling Pump Station, which will generate an estimated 1,113 MWh per year, reducing the amount of project-generated CO<sub>2</sub> emissions by 381.89 MtCO<sub>2</sub>/year to yield an estimated 14,082 MtCO<sub>2</sub>/year, and MM Energy 1, MM Air 5, and MM Air 6, which require the pump stations that are designed in the future to include this same ability to produce electricity, require the use of energy efficient pumping equipment, and include solar generation for all non-pumping related uses. (*Ibid.*) By reducing electricity demand, the Project is consistent with the CARB Scoping Plan through hydroelectric generation. (*Ibid.*)

As the Project is consistent with the CARB scoping plan and reduces electricity demand, the Project would not result in a conflict with a greenhouse emission reduction plan and thus, this impact is less than significant. (*Ibid.*) However, as the Project exceeds both the CARB and SCAQMD draft thresholds for industrial projects, the Project's contribution to GHG emissions are considered cumulatively considerable and may have a significant cumulative impact on the environment. (*Ibid.*) As the impact is significant and unavoidable, a statement of overriding considerations will be required. (*Ibid.*)

**SECTION 5: RESOLUTION REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS**

**A. AESTHETICS/VISUAL**

Construction of the Proposed Project consists primarily of the construction of pipelines within existing paved rights-of-way or utility rights-of-way and across some developed parking lots. (DSEIR p. 4.13-9.) Jack and bore construction technique will be used for the Central Feeder crossing of the Santa Ana River and thereby avoiding visual impacts upon the Santa Ana River. (*Ibid.*) The most sensitive aesthetic resource that may be impacted by this alternative is the Designed Landscaping along Victoria Avenue within the City of Riverside. (*Ibid.*) The Project will cross Victoria Avenue at its intersection with either Jackson Street or Monroe Street. (*Ibid.*) Loss of the historic landscape along Victoria Avenue would be considered significant both aesthetically and historically. (*Ibid.*) In addition, sensitive Vernacular Landscapes also exist adjacent to the proposed pipeline alignment. Such landscapes include palm rows and citrus trees within the California Citrus State Historic Park and other streets within the City of Riverside's Greenbelt area. (*Ibid.*) Other jurisdictions that may have Vernacular Landscapes that include citrus trees and windrows adjacent to (sometimes within) road rights-of-way where this pipeline is proposed to be located include the County of San Bernardino and City of Redlands. (*Ibid.*) However, implementation of the mitigation measures set forth in Section 3(A) (Aesthetics/Visual) of this Resolution will reduce potential impacts to less than significant levels. (*Ibid.*)

Other projects which may happen to be under construction at the time the Project is being constructed could cause similar temporary impacts, but the Proposed Project would not contribute to any loss caused by other projects. (*Ibid.*) Following completion, all of these pipelines will be located underground and therefore will have no impact upon the visual character or quality of the site and its surroundings. (*Ibid.*) Therefore, the Project will not contribute to an adverse cumulative impact on aesthetic/visual resources and there will be no cumulative impacts related to aesthetics. (*Ibid.*)

The Mockingbird Connection of the Proposed Project includes the construction of a reservoir and related booster station in addition to proposed pipeline. (*Ibid.*) The Clay Street Connection also includes a booster station. In order to reduce the visual impact of the reservoir, the reservoir will be buried by backfilling soil against the sides of the reservoir in order to recreate a natural hillside appearance to the reservoir. (*Ibid.*) This design feature is required by the mitigation measures set forth in Section 3(A) (Aesthetics/Visual) of this Resolution, which also require pump/booster stations to be enclosed and/or screened with landscaping, walls or fencing. (*Ibid.*) Implementation of the mitigation measures will reduce potential impacts to less than significant levels. (*Ibid.*)

Other projects which may happen to be under construction at the time the Project is being constructed could cause similar temporary impacts, but the Project would not contribute to any loss of landscaping caused by other projects. (*Ibid.*) Following completion, all of the pipelines will be located underground and therefore will have no impact upon the visual character or quality of the site and its surroundings. (DSEIR pp. 4.13-9 – 10.) The less than significant aesthetic impacts of the reservoir and booster stations will not contribute to an adverse cumulative impact on aesthetic/visual resources and therefore this alternative will have no cumulative impacts related to aesthetics. (DSEIR p. 4.13-10.)

## **B. AIR QUALITY/CLIMATE CHANGE**

The portion of the South Coast Air Basin within which the Proposed Project is located is designated as a non-attainment area for ozone, PM-10, and PM-2.5 under state and federal standards. (*Ibid.*) In evaluating the cumulative effects of this alternative, Section 21100(e) of CEQA states that “previously approved land use documents including, but not limited to, general plans, specific plans, and local coastal plans, may be used in cumulative impact analysis.” (DSEIR pp. 4.13-10 – 11.) In addressing cumulative effects for air quality, the AQMP utilizes approved general plans and, therefore, is the most appropriate document to use to evaluate cumulative impacts of the subject project. (DSEIR p. 4.13-11.) This is because the AQMP evaluated air quality emissions for the entire South Coast Air Basin using a future development scenario based on populations projections and set forth a comprehensive program that would lead the region, including the project area, into compliance with all federal and state air quality standards. (*Ibid.*) The Project is in compliance with AQMP and long-term project-generated emissions have been shown to be less than significant on a regional level. (*Ibid.*) Even though the short-term construction of the Project is shown to be significant on a regional level, these impacts are temporary and will no longer exist once the Project is operational. (*Ibid.*) Therefore, the Project’s cumulative impacts are considered less than significant.

## **C. BIOLOGICAL ENVIRONMENT**

Several special-status plant species were found to have limited potential to occur within the various reaches of the Proposed Project including California satintail, chaparral sandverbena, Parry's spineflower, prairie wedge grass, Robinson’s pepper-grass, and smooth tarplant. (DSEIR p. 4.13-12.) The California satintail and prairie wedge grass were determined to have limited occurrence potential at the proposed Santa Ana River crossing. (*Ibid.*) No special-status animal species were observed within the Proposed Project area during field studies; however, 26 special-status animal species have the potential to occur within the study areas. (*Ibid.*) These include the federally-listed coastal California gnatcatcher, Delhi Sands flower-loving fly, least Bell’s vireo, Santa Ana sucker, and southwestern willow flycatcher. Other special-status species with potential to occur include the American badger, arroyo chub, burrowing owl, San Diego horned lizard, golden eagle, loggerhead shrike, long-eared owl, Los Angeles pocket mouse, northwestern San Diego pocket mouse, orange-throated whiptail, Santa Ana speckled dace, southern grasshopper mouse, southwestern pond turtle, two-striped garter snake, western yellow-billed cuckoo, yellowbreasted chat, white-tailed kite, northern red-diamond rattlesnake, San Diego black-tailed jackrabbit, and yellow warbler. (DSEIR pp. 4.13-12 – 13.)

The California Natural Diversity Database includes records of Delhi sands flower-loving fly within the immediate vicinity of the Proposed Project and the Northern Reach of the Realignment Alternatives supports approximately 70 acres of potentially suitable fly habitat. (DSEIR p. 4.13-13.) Stephens’ kangaroo rats and coastal California gnatcatcher have the potential to occur on or adjacent to the Mockingbird Connection and the La Sierra Pipeline project areas. (*Ibid.*) Segments of the Proposed Project that extend across the Santa Ana River and other watered areas are planned to include jack and boring underneath the waterways where feasible. (*Ibid.*) This would avoid impacts to the waterways, associated riparian vegetation, and habitat for sensitive species. (*Ibid.*) The La Sierra pipeline will be constructed within the existing roadway and all work, including staging areas and spoil storage, will occur within the

existing roadway. (*Ibid.*) This will avoid impacts to Stephens' kangaroo rat and California gnatcatcher habitat. (*Ibid.*)

Based on the biological resource evaluations discussed in Section 3(B) of this Resolution and after implementation of the mitigation measures, avoidance, and minimization approaches set forth in that section are implemented, potential adverse impacts associated with special-status species; both plant and wildlife, as well as special-status communities/habitats, will be reduced to a less than significant level. (*Ibid.*) Additionally, with the exception of the Mockingbird Connection's reservoir and booster station, the Clay Street Connection's booster station, and potential wells, the Project would consist mainly of temporary construction impacts. After construction, the disturbed area would be returned to level soil conditions and be allowed to return to its natural state. (*Ibid.*) Through implementation of the mitigation measures set forth in Section 3(B), the Project's contribution to potential cumulative impacts to the biological environment would be fully mitigated. (*Ibid.*)

Other projects which may happen to be under construction at the time the Proposed Project is being constructed could cause similar temporary impacts, but the Project would not contribute to a net loss of conserved habitat or otherwise contribute considerably to significant biological impacts that might be caused by other projects. (*Ibid.*) Therefore, the Project's contribution to cumulative biological environment impacts would be less than considerable, and the cumulative biological impact would be less than significant. (*Ibid.*)

#### **D. CULTURAL RESOURCES/PALEONTOLOGY**

The Proposed Project would cross, or be within the immediate vicinity of five known historic resources. (DSEIR p. 4.13-14.) As discussed in Section 3(C) of this Resolution, seven additional cultural resources in the vicinity of the Project facilities were identified during cultural resource surveys of the project area. (*Ibid.*) Segments of the Proposed Project have been designed to avoid potential project impacts to historic resources by requiring construction at certain canal and railway crossings (UPRR and Rancho Avenue, Riverside Canal and Agua Mansa Road, Riverside Canal and Jackson Street and Monroe Street and Riverside Canal) to be done using jack-and-bore tunneling, rather than traditional surface trenching. (*Ibid.*)

The Proposed Project will not impact known archaeological resources. Other areas where previously and newly recorded sites have been identified within the Area of Potential Effect, as well as the Santa Ana River crossing and the southernmost section of the Project's central reach have also been identified as having high to moderate potential for buried cultural resources. (*Ibid.*) Due to the expected presence of unknown archaeological resources within the project area, these alternatives have the potential to have an adverse effect in the significance of an archaeological resource. These alternatives could affect unknown resources during construction and impacts would be considered significant without mitigation. (*Ibid.*) There is a low potential for the discovery of unknown human remains. (*Ibid.*) However, since human remains may become uncovered unexpectedly during construction, impacts were considered significant without mitigation. (*Ibid.*) There is also the potential for impacts related to unique paleontological resources during construction of facilities associated with the Proposed Project. (DSEIR pp. 4.13-14 – 15.)

Implementation of the mitigation measures set forth in Section 3(C) of this Resolution would ensure that implementing the Project would not incrementally contribute to any significant

cumulative impacts upon important cultural/paleontological resources in the project region and that the Project's contribution to potential cumulative impacts to cultural resources would be fully mitigated. (DSEIR p. 4.13-15.) Therefore, the Proposed Project's contribution to a cumulative cultural resources impact would be less than considerable, and the cumulative cultural resources impact would be less than significant. (*Ibid.*)

#### **E. ENERGY**

The electricity demand for the Proposed Project is 42,154.38 MWh per year which is not expected to result in adverse impacts related to electricity in the long term. (DSEIR p. 4.13-16.) The total estimated electricity consumption during 2007 within the Riverside County and San Bernardino County for utilities, including the uses proposed by the Project, was 1,115,629.206 megawatt hours. (*Ibid.*) Total electricity use for the two counties in 2007 was approximately 30,149,990 megawatt hours. ([www.ecdms.energy.ca.gov/utilbynaicselec.aspx](http://www.ecdms.energy.ca.gov/utilbynaicselec.aspx)). (*Ibid.*) The estimated increase in the use of electricity as a result of the Project would be approximately 3.68 percent of the total electricity used by utilities for agricultural and water pumping and 0.14 percent of the total energy used in Riverside and San Bernardino Counties. (*Ibid.*)

The increase in electricity consumption from the Proposed Project is not a considerable increase when considered with other reasonably foreseeable projects and is not expected to result in adverse cumulative impacts to the existing power supply. (*Ibid.*) The Proposed Project does not cause a substantial increase in energy consumed compared to regional use for similar purposes or consumption in the region as a whole, therefore, it does not result in a substantial increase in the use of fossil fuels such as coal and natural gas which are used to produce the power. (*Ibid.*)

#### **F. GROUNDWATER LEVELS**

Section 3(D) of this Resolution discusses in detail the potential impacts of the Proposed Project. (DSEIR p. 4.13-18.) A hydrologic analysis was completed to analyze the groundwater impacts of the Project. (*Ibid.*) The modeling takes into account the known operations of the basin and at the time (i.e. all cumulative groundwater operations-related projects). (*Ibid.*) This analysis shows that during the model period 2007-2032, the cumulative groundwater pumping for the baseline run range from 206,100 acre-ft to 308,300 acre-ft, with an average of 258,600 acre-ft/yr. (*Ibid.*) The baseline recharge consists of Santa Ana River diversions and the Valley District's Replenishment Obligations. (*Ibid.*) The baseline artificial recharge ranges from 8,200 acre-ft to 144,000 acre-ft, with an average of 87,700 acre-ft. (*Ibid.*) Groundwater level fluctuations reflect hydrological wet and dry cycles. (*Ibid.*) The results of recharge and extraction modeling show that the Proposed Project will have a lower level of groundwater pumping and artificial recharge than that projected for the 2005 Project Alignment Alternative. (*Ibid.*) As a result, there total changes in groundwater storage within the Basin Area will be less than previously projected. Additionally, the total reduction in groundwater storage will be less under Proposed Project. (*Ibid.*) Therefore, it can be concluded that the Project, if operated under the modeled conditions, there will be no significant impact on groundwater levels within the Basin Area. (*Ibid.*) Since such modeling is based on assumptions regarding water availability which are speculative and cannot be guaranteed due to weather and SWP water availability, mitigation measures are necessary to require ongoing modeling, planning and reporting of operating plans as cumulative conditions change and shall be implemented as operating actions associated with this and other future projects are adjusted and created over time. (*Ibid.*) In

addition, all actions within the Basin Area are subject to the Western Judgment. (*Ibid.*) With mitigation and actions in accordance with the Western Judgment, potential impacts to groundwater levels (safe yield) from the Proposed Project would not be significant. (*Ibid.*)

Additionally, the Project includes a maximum groundwater extraction of 5,000 AF/YR from the Chino Basin. (*Ibid.*) However, as described in Section 3(D) of this Resolution, this extraction would be consistent with the provisions of the Chino Basin Watermaster's Optimum Basin Management Plan and in accordance with the analysis contained within the *Optimum Basin Management Program, Chino Basin Dry-Year Yield Program Expansion, Project Development Report, Volume I*. (*Ibid.*) Pursuant to that analysis, no significant effects related to groundwater levels within the Chino Basin are anticipated as a result of implementation of the Proposed Project. In addition, all actions within the Chino Basin are subject to the Chino Judgment. (*Ibid.*) With mitigation and actions in accordance with the Chino Judgment, potential impacts to groundwater levels (safe yield) from the Proposed Project would not be significant. (*Ibid.*)

Because these alternatives will have no significant effects related to groundwater levels based upon groundwater modeling that analyzed cumulative impacts upon groundwater levels, and because mitigation measures require ongoing modeling, planning and reporting of operating plans, and the stipulations of the Chino Judgment, the Project will not contribute to a cumulative adverse impact upon groundwater levels and the cumulative water level impacts will be less than significant. (DSEIR p. 4.13-19.)

#### **G. GROUNDWATER QUALITY**

Section 3(E) of this Resolution discusses in detail the potential groundwater quality impacts of the Proposed Project. (DSEIR p. 4.13-20.) The quality of imported State Water Project water remains of equal or better quality than the existing Basin Area water quality and therefore, the potential direct groundwater quality impacts for these alternatives will be less than significant. (*Ibid.*)

A hydrologic analysis was completed to analyze the groundwater quality impacts of the Project. (*Ibid.*) The modeling takes into account the known operations of the basin and at the time (i.e. all cumulative groundwater operations-related projects). (*Ibid.*) The results of hydrologic modeling show that the Project, will not adversely impact the contamination plumes within the Basin Area. (*Ibid.*) This modeling also shows no change in the Norton and Redland-Crafton TCE plume areas as a result of project construction. (*Ibid.*) Therefore, if operated under the modeled conditions, indirect groundwater quality impacts related to the Project will be less than significant. (*Ibid.*) Since such modeling is based on assumptions regarding water availability which are speculative and cannot be guaranteed due to weather and SWP water availability, mitigation measures are necessary to require ongoing modeling, planning and reporting of operating plans as cumulative conditions change and shall be implemented as operating actions associated with this and other future projects are adjusted and created over time. (*Ibid.*) In addition, all actions within the Basin Area are subject to the Western Judgment. (*Ibid.*) With mitigation and actions in accordance with the Western Judgment, potential impacts to groundwater quality from the Proposed Project would not be significant. (*Ibid.*)

Additionally, the Proposed Project includes a maximum groundwater extraction of 5,000 AF/YR from the Chino Basin. (*Ibid.*) However, as described in Section 3(E) of this Resolution,

this extraction would be consistent with the provisions of the Chino Basin Watermaster's Optimum Basin Management Program and in accordance with the analysis contained within the *Optimum Basin Management Program, Chino Basin Dry-Year Yield Program Expansion, Project Development Report, Volume I. (Ibid.)* Pursuant to that analysis, no significant impacts related to groundwater quality within the Chino Basin are anticipated as a result of implementation of the Proposed Project. *(Ibid.)* In addition, all actions within the Chino Basin are subject to the Chino Judgment. *(Ibid.)* Since operations will be in accordance with the OBMP Expansion and Chino Judgment, potential impacts to groundwater quality from the Proposed Project would not be significant. *(Ibid.)*

Because the Project can be shown to have no significant effects related to groundwater quality based upon groundwater modeling that analyzed cumulative impacts upon groundwater quality and the Project is subject to mitigation measures that require ongoing monitoring, planning and reporting; the IRWMP and OBMP Expansion; and both the Western and Chino Judgments, the Proposed Project will not contribute considerably to a cumulative adverse groundwater quality impact and the cumulative groundwater quality impacts will be less than significant. (DSEIR p. 4.13-21.)

#### **H. HAZARDS AND HAZARDOUS WASTE / MATERIALS**

The Proposed Project will pass across or will be within the vicinity of approximately 160 hazardous materials sites under various regulatory statutes. *(Ibid.)* Although no significant impacts related to these sites are anticipated, common types of contamination could be encountered during construction of the Proposed Project resulting from LUST, poor chemical handling, and accidental or intentional unauthorized chemical releases. *(Ibid.)* However, these impacts would be reduced to less than significant levels through the implementation of the mitigation measures set forth in Section 3(F) and through compliance with federal, state and local regulations governing the removal and transportation of hazardous soils. *(Ibid.)*

A portion of the Northern Reach in unincorporated Riverside County and most of the Central Reach and the Clay Street Connection of the Project are located within proximity to Riverside Municipal Airport. *(Ibid.)* Depending on the elevation at individual construction sites, the distance from Riverside Municipal Airport runways, and the height of construction equipment; future development of portions of the Proposed Project may encroach into Federal Aviation Regulations Part 77 imaginary surfaces, creating a potential hazard to aircraft. *(Ibid.)* However, these impacts would be reduced to less than significant levels through the implementation of the mitigation measures set forth in Section 3(F) and through compliance with FAA regulations. (DSEIR p. 4.13-22.)

Because the effects of the Project will be fully mitigated, it will not have cumulatively considerable contributions to cumulative impacts associated with hazards and hazardous waste/materials and cumulative impacts will be less than significant. *(Ibid.)*

#### **I. LAND USE AND PLANNING**

The Proposed Project will be constructed primarily within existing road rights-of-way. Therefore, pursuant to paragraphs (d) and (e) of Section 53091 of the California Government Code, the Proposed Project is exempt from county and city building and zoning ordinances. *(Ibid.)* The proposed RCF facilities will not be inconsistent with existing General Plan land use

designations, goals, or policies. (*Ibid.*) Therefore, the Proposed Project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; no impact/effect will result from the action. (*Ibid.*)

Future growth within the unincorporated areas of San Bernardino and Riverside counties and the cities of San Bernardino, Colton, Corona, Grand Terrace, Redlands, Rialto, and Riverside has been anticipated in these jurisdictions' general plans, as discussed in Section 2(B) of this Resolution. (*Ibid.*) The significant of the cumulative environmental impacts of growth in these jurisdictions were addressed in the general plans and their respective CEQA compliance documents and were considered when those general plans were adopted. (*Ibid.*) The proposed RCF facilities are regional facilities that will be used to deliver water from the San Bernardino Groundwater Basin and the Chino Groundwater Basin to communities throughout western Riverside and San Bernardino counties during drought and emergency periods and when water is otherwise available. (*Ibid.*) These facilities will not extend water service into areas not currently served by water purveyors within the project area, and therefore will not affect any existing impediments to growth within the local jurisdictions. (*Ibid.*) The Proposed Project will have a less than significant impact upon land use and therefore would have a less than considerable contribution to cumulative land use impacts. (*Ibid.*) Because additional growth in the unincorporated areas of San Bernardino and Riverside counties and the cities of San Bernardino, Colton, Corona, Grand Terrace, Redlands, Rialto, and Riverside has been planned for by local general plans and because the Project will not have cumulatively considerable contributions to cumulative impacts, there will not be a significant cumulative impact on land use. (*Ibid.*)

## **J. NOISE**

As discussed in Sections 2(C) and 3(G) of this Resolution, implementation of the Proposed Project could result in temporary and intermittent construction-related noise levels that would exceed the applicable standards at nearby sensitive receptors. (DSEIR p. 4.13-23.) Construction of the Project would be temporary in nature and exempt from noise regulations in all seven of the affected jurisdictions. (*Ibid.*) Current research suggests there will not be additional major construction projects in the vicinity. Potential construction-related noise impacts will be fully mitigated to less than significant levels through implementation of the mitigation measures set forth in Section 3(G), which require notification of potentially impacted sensitive receivers, and limit the hours of construction required by regulations and practices within the affected jurisdictions. (*Ibid.*)

Ambient noise levels tend to increase over time as areas urbanize bringing more vehicles and people. (*Ibid.*) The Project's pipeline component will be placed entirely underground and inherently does not generate noise. (*Ibid.*) Additionally, the reservoir component, once operational, also inherently does not generate noise. (*Ibid.*) The two pump stations (at the Clay Street and Mockingbird Connections) will be fully contained within masonry block enclosures. (*Ibid.*) Therefore, no contribution to cumulative ambient noise increases, if they occur, will result from the Project. (*Ibid.*)

Because the construction noise effects of the Proposed Project will be fully mitigated and there are no significant sources of operational noise, it will not have a cumulatively considerable

contribution to cumulative noise impacts and cumulative noise impacts will be less than significant. (*Ibid.*)

#### **K. STORMWATER/WATER QUALITY**

Project-related construction activities will be short-term in nature and limited geographically to each construction project that implements each alternative. (*Ibid.*) As discussed in Section 3(H) of this Resolution, the potential water quality impacts of construction activities will be minimized through compliance with established regulatory programs, requiring control of erosion and sedimentation at construction sites (State General NPDES permit and Regional Board Order 99-08 for construction-period stormwater discharges). (*Ibid.*) The program will require the development of a Stormwater Pollution Prevention Plan (SWPPP), which requires installation of erosion control and sedimentation control devices throughout the project area for the entire construction phase. (*Ibid.*) This will serve to protect water resources throughout the project area from pollution caused by Project construction. (*Ibid.*) Consequently, the construction-related water quality impacts of the Proposed Project will be less than significant and will not result in a cumulatively considerable impact upon water quality. Cumulative water quality impacts will be less than significant. (DSEIR pp. 4.13-23 – 24.)

#### **L. TRANSPORTATION AND TRAFFIC**

The Proposed Project would result in potentially significant impacts due to construction-related traffic increases related to construction worker vehicles and trucks hauling dirt or delivering materials and due to disruptions in existing traffic patterns during construction within road rights-of-way. (DSEIR p. 4.13-24.) The numbers of vehicles varies somewhat depending on the type of construction being performed, tunneling/boring or traditional trenching. (*Ibid.*) The Proposed Project's traffic will represent a small increase in relation to the existing traffic in some areas and a larger increase in relation to existing traffic in other locations. (*Ibid.*) In general, however, impacts to traffic from the Project will consist of minor (less than 100 trips per day) short-term increases in vehicle trips which will be a less than significant increase in traffic. (*Ibid.*) Furthermore, these impacts will be reduced to less than significant levels through compliance with the mitigation measures set forth in Section 3(I) of this Resolution, which require the preparation of a Traffic Control and Safety Plan each construction project associated with the Project, construction during non-peak traffic hours, and notification to landowners, tenants, business operators, and residents along the right-of-way of the construction schedule. (*Ibid.*) Through implementation of these mitigation measures, the Proposed Project's contribution to potential cumulative traffic-related impacts will be fully mitigated. (*Ibid.*) Therefore, the Project's contribution to cumulative impacts would be less than considerable, and the cumulative traffic impacts would be less than significant. (*Ibid.*)

### **SECTION 6: RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

CEQA Section 21158(a) and the CEQA Guidelines Section 15126.2(c) require a discussion of the significant irreversible environmental changes which would be involved if the Project should be implemented. (DSEIR p. 7.0-1.)

A resource commitment is considered *irreversible* when direct and indirect impacts from its use limit future use options. (*Ibid.*) Irreversible commitments apply primarily to the use of

nonrenewable resources, such as fossil fuels, manufactured structural materials, and land converted to long-term use for structures or other human activities. (*Ibid.*) The proposed above-ground facilities and the energy and materials required to build and operate all project facilities represent irreversible commitments of resources. (*Ibid.*)

A resource commitment is considered *irretrievable* when it causes lost production or use of renewable resources such as timber, rangeland or wildlife habitat. (*Ibid.*) For this project, the temporary disturbance of chaparral and riparian habitats will not result in irretrievable commitments of resources because the areas of disturbance will be relatively small and during construction of pipelines only which will be short in duration in any given location. Agricultural production may be affected by construction of the Mockingbird Connection through an existing citrus grove, but replacement of citrus trees, if necessary, is required by MM Aes 1 and MM Aes 2 so no long-term loss will result. (*Ibid.*) A maximum of 40,000 acre feet of water per year could be consumed as drinking water, but this may allow for the production and use of recycled water for other purposes. (*Ibid.*)

For the proposed alternatives, most resource commitments are neither irreversible nor irretrievable and none result in significant irreversible environmental changes. (*Ibid.*) Most impacts are short-term and temporary. Others that may have a longer effect can be reduced through appropriate measures. (*Ibid.*) The project alternatives, with the exception of the No-Project alternative, would make use of approximately the same types and quantities of resources. (*Ibid.*) Those resources that may have a possible irreversible or irretrievable commitment are discussed below. (*Ibid.*)

The project and alternatives, with the exception of the No-Project alternative, would result in the irreversible and irretrievable commitment of energy and material resources during project construction, operation and maintenance, and would include the following:

- construction materials such as sands, gravels, concrete, asphalt, steel and glass;
- human labor for project construction, operation and maintenance;
- land area committed to above-ground project facilities (approx. 5 acres); and
- energy expended in the form of electricity, gasoline, diesel fuel and oil for equipment and transportation vehicles that would be needed for project construction, operation and maintenance.
- water resources could be consumed during construction, although water for construction use would be temporary and largely limited to on-site concrete mixing and dust abatement activities.

(DSEIR pp. 7.0-1 – 2.)

In general, the impact to biological resources from project construction and operation would not constitute an irreversible and irretrievable commitment of resources. (DSEIR p. 7.0-2.)

Clearing of rights-of-way within designated alternatives corridors and on other lands outside of rights-of-way will result in the direct loss of vegetation which will be replanted as required by the local jurisdiction and by mitigation measures. (*Ibid.*) While habitat would be

impacted during construction within the rights-of-way under all but the No Project/Action Alternative, implementation of the mitigation measures (such as habitat avoidance or restoration) identified above would further reduce or avoid ecological impacts. (*Ibid.*)

### **SECTION 7: RESOLUTION REGARDING GROWTH-INDUCING IMPACTS**

State CEQA Guidelines Section 15126.2(d) requires an evaluation of growth inducing impacts that may result from a proposed project. Growth inducing impacts can occur when a project places additional stress on a community by directly inducing economic or population growth that would lead to construction of new development projects as the same area as the project.

The project alternatives vary in terms of the location of constructed facilities, but the purpose and need for the action remain consistent among the alternatives. (DSEIR p. 7.0-2.) The only potential growth inducing aspect of the Project is related to water delivery, which is consistent among all the alternatives except the No Project/Action Alternative. (*Ibid.*) Therefore, the discussion of growth inducing impacts from the 2005 Alignment PEIR generally applies to all the alternatives. (*Ibid.*) It is hereby incorporated by reference and summarized below (see Section III-4 of the 2005 Alignment PEIR). (*Ibid.*)

Consistent with the stated purposes of the RCF, the Proposed Project alignment and/or any alternatives presented herein are/is expected to result in water supply reliability for beneficial uses in WMWD's service area as well as other jurisdictions which may transport water via the RCF. (*Ibid.*) Redundancy in WMWD's distribution system will be increased by the project. (*Ibid.*)

Although such a water storage, conveyance, and distribution project may have the potential to remove obstacles to growth and/or provide water service to areas not previously served, it will not result directly in population or economic growth. (*Ibid.*) Actual growth is approved at the local level where land use policies and decisions are made by local elected and appointed officials. In an area where growth occurs, such environmental factors are considered within the framework of local land use and regulatory decisions. (*Ibid.*) Future development in any jurisdiction is influenced by many factors, only one of which is the reliability of the water supply. (*Ibid.*) Other factors include such things as General Plan policies and zoning ordinances; the availability of community services and infrastructure, such as sewers, streets and libraries; employment opportunities; and maintenance costs. (*Ibid.*)

This Proposed Project is not required for any specific development proposal or even a particular level of development in any given area. (*Ibid.*) Growth is projected to occur throughout the region with or without this project. WMWD looks at local agency projections for growth when formulating its long-term plans, which include the reliability provided by this project. (DSEIR pp. 7.0-2 – 3.)

## **SECTION 8: RESOLUTION REGARDING ALTERNATIVES**

### **A. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/ PROJECT PLANNING PROCESS**

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the Draft SEIR.

Among the factors that are used to consider project alternatives for detailed consideration in an EIR are whether they would meet most of the basic project objectives, be feasible, and whether they would avoid or substantially reduce the significant environmental impacts of the project. (CEQA Guidelines Section 15126[c].) Several alternatives were eliminated during the scoping/planning process, either because they were deemed infeasible or because they were technologically or environmentally inferior as compared to the Proposed Project.

The following objectives have been established for the Proposed Project:

1. improve the reliability of WMWD's water supply;
2. reduce possible water shortages during dry years;
3. reduce dependence on the direct delivery of imported water during dry year conditions;
4. interconnect local groundwater basins thereby creating a regional approach for the distribution of groundwater in order to improve groundwater reliability;
5. tie into the Chino Desalter Phase 3 expansion to facilitate the connection of WMWD facilities to those that are a part of the Chino Basin Dry-Year Yield Program;
6. improve groundwater quality;
7. deliver available imported water to its customers; and
8. contribute to the Upper Santa Ana Watershed effort to become drought-proof and self-sufficient.

Several alternatives to the Proposed Project were considered and rejected as infeasible. (DSEIR p. 3.0-5) Some of these alternatives were suggested in the scoping process and from comments to the NOP. (*Ibid.*) Alternatives were considered in Section III-2 of the 2005 PEIR, which is hereby incorporated by reference and summarized below. The alternatives considered and rejected for the 2005 PEIR were: (1) an alternative for Reach B; (2) an option for Reach D that would reduce potentially significant impacts to aesthetics and cultural resources; (3) an alternative alignment for Reach H that shares a shorter boundary with the Corona Landfill site; (4) an alternative alignment for Reaches A, B, and E; and (5) Western, North B, and Eastern alternative alignments. (*Ibid.*)

#### 1. Alternative Alignment for Reach B

Description: The Reach B alternative, which would entail tunneling across the mountains located between Reche Canyon and Pigeon Pass Canyon, was developed during preliminary

engineering design. This alternative would avoid the City of Grand Terrace and community of High grove which are congested with existing utility alignments. (DSEIR p. 3.0-5; DPEIR p. III-2-1.) The alternative alignment would extend south from the intersection of Barton Road and Reche Canyon Road, then southwest through the mountains located between the Reche Canyon and Pigeon Pass Canyon to Pigeon Pass Road and west to Palmyrita Avenue. (*Ibid.*)

Impacts: The environmental impacts were determined to be higher than other proposed routes due to the large staging area needed for a tunnel of over a mile in length and the heavy equipment needed to tunnel through a mountain, the quantities of dirt that would have to be hauled away and equipment and materials hauled in, the proximity to homes in Reche Canyon, and potential sensitive biological resources on Box Spring Canyon Mountain. (DPEIR p. III-2-1.)

Objectives and Feasibility: This alternative is economically infeasible because tunneling would be at least 4 to 5 times as expensive as traditional trenching methods for pipeline construction and environmental impacts were also determined to be higher than other proposed routes. (*Ibid.*) Moreover, the environmental and biological impacts of this alternative make it infeasible for policy reasons.

Finding: The District rejects this alternative on the bases (1) that it is infeasible for the reasons above and would be environmentally inferior to the Proposed Project; (2) that each of these bases individually justify the rejection of this alternative; and (3) thereby finds that it was not required to be analyzed in further detail in the SEIR. (DSEIR p. 3.0-5; DPEIR p. III-2-1.)

## 2. Alternative Alignment for Reach D

Description: This alternative would continue west on Arlington Avenue from Turnout No. 2, across the Victoria Avenue intersection to Anna Street, south in Anna Street, southwest in Lincoln Avenue, southeast in Adams Street, southwest in Cleveland Avenue to the intersection of Cleveland Avenue and Irving Street to Turnout No. 3, which would be located near the intersection of Cleveland Avenue and Irving Street in the City of Riverside. (DPEIR p. III-2-9.)

Impacts: This alternative would reduce potentially significant impacts to aesthetics and cultural resources. This alternative would result in increased traffic and air quality impacts adjacent to an existing school.

Objectives and Feasibility: While this alternative avoids the adverse effects on the aesthetics of Victoria Avenue, it is infeasible for policy reasons because it would result in additional harmful air quality emissions and will require an additional right-of-way by another school. The increased traffic and air quality impacts off-set reduced cultural and aesthetic impacts. (DPEIR pp. III-2-13 – 14.)

Finding: The District rejects this alternative on the bases (1) that it is infeasible for the reasons above and would be environmentally inferior to the Proposed Project; (2) that each of these bases individually justify the rejection of this alternative; and (3) thereby finds that it was to required to be analyzed in further detail in the SEIR. (DSEIR p. 3.0-5; DPEIR p. III-2-1.)

## 3. Alternative Alignment for Reach H

Description: This alternative would begin at the intersection of Fillmore Street and Indiana Avenue and would extend southwest on Indiana Avenue, northwest on Neece Street, southwest on Magnolia Avenue, and south on Sherborn Street. (DPEIR p. III-2-9.) The pipeline

would traverse along the Sherborn Street right-of-way for approximately 900 feet along the eastern corner of the Corona Landfill until it reaches the southeastern end of the landfill. (DPEIR pp. III-2-9 – 10.) From this point, the pipeline would extend approximately 200 feet further east, then to the southwest through a hilly area for approximately 800 feet, then south parallel to the pond that drains into Temescal Wash. (DPEIR p. III-2-10.) At the southern end of the pond, the pipeline would turn west, entering old Temescal Road, where it would continue westerly under Interstate 15 and south on Compton Avenue to the intersection of Compton Avenue and Ontario Avenue. The pipeline would be placed underground utilizing boring techniques where it would travel under the Temescal Wash channel and under BNSF rail line. (*Ibid.*)

Impacts: This alternative would lessen potential significant impacts to hazardous materials sites and to sensitive biological resources associated with riparian habitat by shortening the area of impacts adjacent to the Corona Landfill near Magnolia and Compton Avenue. However, this alternative has off-setting impacts to coastal sage scrub habitat in lieu of riparian, and no avoidance of potential hazardous materials. (*Ibid.*)

Objectives and Feasibility: While this alternative would potentially reduce hazardous impacts associated with the Corona Landfill, no change in the final level of significance for hazardous sites would result. (DPEIR p. III-2-14.) In light of this and the off-setting impacts to the coastal sage scrub noted above, this alternative is infeasible for policy reasons and is not environmentally superior to the Proposed Project.

Finding: The District rejects this alternative on the bases (1) that it is infeasible for the reasons above, and would be environmentally inferior to the Proposed Project; (2) that each of these bases individually justify the rejection of this alternative; and (3) thereby finds that it was required to be analyzed in further detail in the SEIR. (DSEIR p. 3.0-5; DPEIR p. III-2-9 – 10.)

#### 4. Alternative Alignment for Reaches A, B, and E

Description: Reach A would be constructed from the SBCMWD Baseline Feeder Extension South, east of Twin Creek Channel where it intersects with Dumas Street in the City of San Bernardino. (DPEIR p. III-2-10.) From there, it would extend to the west underneath the Twin Creek Channel right-of-way to a point approximately 100-feet east of E Street. The pipeline would then turn south and cross under the Santa Ana River. (*Ibid.*)

Reach B would be constructed in Barton Road from its intersection with Washington Street, south in Mount Vernon Avenue, west in Palmyrita Avenue, south in Gage Canal right-of-way, and west in Marlborough Avenue to Turnout No. 1, which would be located near the intersection of Rustin Avenue and Marlborough Avenue in the City of Riverside. (DPEIR p. III-2-11.)

Reach E of this alternative would be constructed from Turnout No. 3 southeast in Irving Street and then southwest in the Firethorn Avenue right-of-way. Boring techniques would be utilized to install a 36-inch pipeline that would cross under the Gage Canal. Southwest in right-of-way of Firethorn Avenue and across Van Buren Boulevard, west to Mockingbird Pump Station. (DPEIR p. III-2-11.)

Impacts: Reach A would be located near an old concrete road bed near the surface of E Street which would make construction of the pipeline within the road right-of-way exceedingly difficult and expensive. (DPEIR p. III-2-10.) Reach B would avoid potential significant impacts

at the Spring Brook drainage. Together, Reaches A, B, and E would lessen overall biological impacts. However, this alternative would result in increased traffic and air quality impacts which off-set the reduced biological impacts to special-status vegetation and wildlife. (*Ibid.*)

Objectives and Feasibility: The difficulties associated with Reach A of this alternative marginalize its feasibility. (*Ibid.*) Moreover, the reduced biological impacts are off-set by increased traffic and air quality impacts. (DPEIR p. III-2-14.) Thus, this alternative is not feasible for policy reasons as well.

Finding: The District rejects this alternative on the bases (1) that it is infeasible for the reasons above, and would be environmentally inferior to the Proposed Project; (2) that each of these bases individually justify the rejection of this alternative; and (3) thereby finds that it was required to be analyzed in further detail in the SEIR. (DSEIR p. 3.0-5; DPEIR pp. III-2-10 – 14.)

#### 5. Western, North B, and Eastern Alternative Alignments

Description: In order to establish the appropriate realignment of the pipeline route for the Riverside Corona Feeder, an Alignment Feasibility Study was prepared by Black & Veatch in 2006. (B&V 2006). It evaluated the feasibility of four alternative alignments: Western, the Realignment Alternative, North B, and Eastern.

Impacts: These alignments would result in greater construction-related impacts due to their greater length and additional environmental and biological impacts due to additional Santa Ana River crossings.

Objectives and Feasibility: These alternatives have greater linear length and more crossings compared to the Realignment Alternative, which was determined to be easier to construct and at lowest cost and are, therefore, economically infeasible. (*Ibid.*) The North B Alternative had similar environmental impacts as the Realignment Alternative, including potential impacts to Delhi sands. (*Ibid.*) The Eastern Alternative had two crossings of the Santa Ana River instead of one and more of the alignment in residential neighborhoods and the Western Alternative was nearly twice as long as the North A alignment thus resulting in greater overall construction-related impacts. (*Ibid.*) Therefore, these alignment alternatives are environmentally inferior and infeasible for policy reasons. (*Ibid.*)

Finding: The District rejects this alternative on the bases (1) that it is infeasible for the reasons above, and would be environmentally inferior to the Proposed Project; (2) that each of these bases individually justify the rejection of this alternative; and (3) thereby finds that it was required to be analyzed in further detail in the SEIR.

### **B. ALTERNATIVES SELECTED FOR ANALYSIS**

The CEQA Guidelines indicate that an EIR must “describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” (Guidelines § 15126[a].) Accordingly, the alternatives selected for review pursuant to the EIR focus on: (a) the specific general plan policies pertaining to the project site, and (b) alternatives that could eliminate or reduce significant environmental impacts to a level of insignificance, consistent with the project objectives (i.e. the alternatives could impede some degree the attainment of project objectives). The alternatives analyzed in the following sections include:

- No Project/Action Alternative
- 2005 Project Alignment Alternative
- Realignment Alternative

### **1. No Project/Action Alternative**

**Description:** The No Project Alternative, as required by CEQA, considers the potential impacts associated with the Project Site upon denial or withdrawal of the Proposed Project. (*Ibid.*) Should the District deny approval of the Proposed Project, the District will continue to use current sources of water for the District's needs and for other water purveyors who would benefit from water that could be purveyed in the project-constructed system. (DSEIR p. 3.0-6.)

**Impacts:** Because the No Project Alternative would continue to use current sources of water for the needs of the District and other water purveyors, excess imported water associated with this project would not be recharged into or extracted from the San Bernardino Basin Area when it is needed resulting in a less reliable water supply for the District. (DSEIR p. 3.0-6; 6.0-2.) Because the proposed Corona Riverside Feeder would not be constructed, the construction and operational impacts associated with the Proposed Project would not occur.

**Objectives & Feasibility:** The No Project Alternative would not meet Project Objectives 1 through 9, because it would hold the District dependent on the direct delivery of water from the Metropolitan Water District of Southern California (MWD) during dry hydrologic years. (DSEIR p. 3.0-6) Specifically, this Alternative would not: interconnect local groundwater basins thereby creating a regional approach for the distribution of groundwater in order to improve groundwater reliability; tie into the Chino Desalter Phase 3 expansion to facilitate the connection of WMWD facilities to those that are a part of the Chino Basin Dry-Year Yield Program; leave available the opportunity for future use of recycled water for groundwater basin recharge; improve groundwater quality; and would not deliver available imported water to WMWD customers. (*Ibid.*) The No Project Alternative is also infeasible for policy reasons, as it would not contribute to the Upper Santa Ana Watershed effort to become drought-proof and self-sufficient.

**Finding:** The District (1) rejects this alternative on the basis that it fails to meet basic project objectives and is infeasible for policy reasons; and (2) finds that either of these grounds provide sufficient justification for rejection of this alternative.

### **2. 2005 Project Alignment Alternative**

**Description:** The 2005 Project Alignment Alternative was analyzed in full (Reaches A through H) in the 2005 PEIR. (DSEIR p. 3.0-6.) The 30-mile long 2005 Project Alignment has been divided into reaches A –H and the majority of this alternative (Reaches B through H) is located within the City of Riverside, with some portions traversing portion of the cities of Colton, Corona and Grand Terrace, and the County of Riverside. (*Ibid.*)

Infrastructure proposed to be constructed as part of the 2005 Project Alternative includes: a 30-mile long feeder pipeline with one mainline meter and five metered turnouts, a 2,500

horsepower (hp) pump station designed to lift water from the City of Riverside's Waterman Pipeline into the 2005 Project Alignment which operates at an hydraulic gradient line (HGL) of 1250±, and up to twenty (20) 350 HP x 2,200 gallons per minute (GPM) new or existing groundwater production wells to be located within the San Bernardino Basin Area. (*Ibid.*)

The 2005 Project Alignment would operate under gravity flow conditions, from the connection to SBVMWD's 1250-foot pressure zone in the City of San Bernardino to its southerly terminus in the City of Corona. (*Ibid.*) The 2005 Project Alignment reaches are sized for maximum design velocities in the range of 3.5–5.3 feet per second (fps). (DSEIR pp. 3.0-6–7.) When all five turnouts are delivering their maximum design deliveries, totaling 100 cubic feet per second (cfs), the HGL will be 1,056 feet at the 2005 Project Alignment terminus in the City of Corona. (DSEIR p. 3.0-7.)

The 2005 Project Alignment would connect to and obtain capacity from San Bernardino Valley Municipal Water District's (SBVMWD) 28,000-foot, 78-inch diameter Baseline Feeder South Extension Pipeline at the southerly terminus of the SBVMWD pipeline. (*Ibid.*)

The 2005 Project Alignment would also connect to and obtain capacity from the City of Riverside's proposed 10,000-foot, 60-inch diameter Waterman Avenue Pipeline Replacement Project which is at a HGL of 1060'±. (*Ibid.*) This connection would necessitate the construction and operation of a pump station to lift the water into WMWD's proposed 2005 Project Alignment project at a HGL of 1250'±. (*Ibid.*) Total capacity obtained via these two systems will be 100 cfs. SBVMWD will obtain about 30 cfs of capacity in the 2005 Project Alignment from the Baseline Feeder South Extension Pipeline to Barton Road. (*Ibid.*)

The majority of the 2005 Project Alignment would be constructed utilizing traditional trenching techniques. (*Ibid.*) Segments of the RCF that will not be installed utilizing trenching techniques include the Santa Ana River crossing, under busy roadways, under rail crossings, under drainages and under other sensitive areas. Micro-tunneling techniques are proposed to install the 2005 Project Alignment under the Santa Ana River and boring techniques are proposed at all of the other locations mentioned above. (*Ibid.*)

The 2005 Project Alignment would extend south from a point north of the Santa Ana River near the intersection of the Warm Creek Bypass maintenance road and the City of Riverside's Rice-Thorne pipeline, underneath the Santa Ana River, through a commercial and industrial area parking lot, within multiple road right of ways, under Interstate 10, within the Gage Canal right-of-way, within the right-of-way of proposed roads that are currently dirt roads used for agricultural activities, under the Arlington Flood Control Channel, under several rail lines and flood control easements, just inside the boundaries of the Corona Landfill within the City of Corona and under Interstate 15. (*Ibid.*) The majority of the 2005 Project Alignment would be constructed within road right-of-ways. (*Ibid.*)

The proposed pump station would be constructed within the City of San Bernardino on a vacant lot near the intersection of Orange Show Road and Waterman Avenue. The exact locations of the existing and/or proposed wells have not yet been determined. (*Ibid.*)

Impacts: This alternative has the potential to result in the loss or significant damage to existing designed, vernacular landscapes, and/or natural riparian vegetation that function as

scenic resources. (*Ibid.*) However, with the implementation of mitigation measures set forth in Section 3(A) of this Resolution, potential significant scenic/aesthetic impacts due to the loss of mature trees and landscaping will be reduced to less than significant levels. (DSEIR p. 6.0-12.)

The 2005 Project Alignment Alternative would have significant short-term air impacts during construction due to the scale of the 2005 Project Alignment (length, pipe sizes, and necessary construction techniques) even with the implementation of mitigation measures set forth in Section 4(A) of this Resolution. (DSEIR p. 6.0-3.)

Indirect project-related environmental effects to groundwater quality result through changes in the location and/or speed of migration of pollution plumes. (*Ibid.*) Operation of 2005 Project Alignment Alternative could result in a small lateral movement of the Newmark and Muscoy plumes. (*Ibid.*) Such differences in movement would cause five additional wells for a brief period of time to degrade to values greater than 5 µg/l of PCE, and 7 additional wells to improve in quality to less than 5 µg/l. (*Ibid.*) This would still be a less than significant impact.

Objectives & Feasibility: The 2005 Project Realignment Alternative does not meet the objectives of the Project because this alternative: does not have the ability to meet the broader project objectives of connecting to JCSD, the Chino Basin, and other regional water facilities that assist with conjunctive use management strategies; includes well locations and operations which have a greater chance of impacting groundwater quality than the Proposed Project. (DSEIR p. 6.0-13.)

Finding: The District (1) rejects this alternative on the basis that it fails to meet basic project objectives, is environmentally inferior to the Proposed Project, and is infeasible for policy reasons; and (2) finds that either of these grounds provide sufficient justification for rejection of this alternative.

### **3. Realignment Alternative**

Description: The Realignment Alternative is evaluated in this SEIR/EIS as a revised pipeline location for a portion of the 2005 Riverside Corona Feeder Project Alignment. (DSEIR p. 3.0-13.) The realignment of original 2005 Reaches A through D is relocated to the west. (*Ibid.*) In addition to providing the same benefits to WMWD with respect to improvement in the reliability of WMWD's water supply, reduction of possible water shortages during dry years, reduction of the need for direct delivery of imported water during dry year conditions, improvement in groundwater quality; delivery of available imported water to its customers, and an important contribution to the Upper Santa Ana Watershed effort; the Realignment Alternative includes the ability to serve additional jurisdictions and interconnect local groundwater basins thereby creating a regional approach for the distribution of groundwater in order to improve groundwater reliability. (*Ibid.*) The approximately 108,000-linear foot pipeline Realignment Alternative is described in two Reaches: Northern Reach and Central Reach. The Central Reach would be constructed prior to the Northern Reach. (*Ibid.*) The Northern Reach is not expected to be initiated for approximately 10 years.

The Realignment Alternative will extend from near the intersection of Waterman Avenue and Orange Show Road in the City of San Bernardino, traversing through portions of the cities of

Colton and Rialto and unincorporated San Bernardino County into unincorporated Riverside County along Agua Mansa Road. (*Ibid.*) The alignment then traverses west through unincorporated Riverside County, then south in Clay Street and crosses under the Santa Ana River near Van Buren Boulevard. South of the Santa Ana River, the alternative alignment enters the City of Riverside, where it continues in a south/southeasterly direction and connects to the approved 2005 Project Alignment at Cleveland Avenue. (*Ibid.*) The proposed realignment will be constructed primarily in the rights-of-way of existing roads, under I-10, I-215, State Route 60, and State Route 91, and under the Santa Ana River and other lesser creeks and drainages. (*Ibid.*)

The majority of the Realignment Alternative will be constructed utilizing traditional trenching techniques. (*Ibid.*) Segments of the RCF that will not be installed utilizing trenching techniques include the Santa Ana River crossing, under busy roadways, under rail crossings, under drainages, and under other sensitive areas. (*Ibid.*) Micro-tunneling or other boring techniques are proposed to install the RCF under the Santa Ana River and at the other locations mentioned above. (*Ibid.*)

The Northern Reach includes the pipeline from a San Bernardino Valley Municipal Water District's (SBVMWD) point of connection in Orange Show Road in the City of San Bernardino to SBVMWD Meter and Turnout located at the San Bernardino County/Riverside County border in Agua Mansa Road. (*Ibid.*) The Northern Reach continues south to a Jurupa Community Services District (JCSD) point of connection at Clay Street and Limonite Avenue. The Central Reach continues south from the JCSD point of connection to its terminus at Jackson Street and Cleveland Avenue. (DSEIR pp. 3.10-13 – 14.) The Central Reach also contains a Monroe Street alternate alignment for that portion of the reach in Jackson Street. (DSEIR p. 3.10-14.)

Impacts: The short-term construction emissions from the Realignment Alternative will exceed the applicable SCAQMD daily regional significance thresholds for NO<sub>x</sub> and PM-10. Short-term construction will also exceed applicable LST thresholds for NO<sub>x</sub>, PM-10 and PM-2.5. (DSEIR p. 6.0-6.) Therefore, the air quality impacts from construction of the Realignment Alternative are considered regionally and locally significant. Even though the short-term construction of the project is shown to be significant on a regional level, these impacts are temporary and will no longer exist once the project is operational. (*Ibid.*)

The Realignment Alternative (Jackson Street or Monroe Street options) will pass across or will be within the vicinity of approximately 160 hazardous materials sites under various regulatory statutes. (DSEIR p. 6.0-8.) Although no significant impacts related to these sites are anticipated, common types of contamination could be encountered during construction of the Proposed Project resulting from LUST, poor chemical handling, and accidental or intentional unauthorized chemical releases. (*Ibid.*)

Also, construction of the RCF facilities could release substantial discharge during construction. (DSEIR p. 6.0-9.) If unmitigated, these temporary impacts to water quality associated with RCF project construction would be potentially significant. (*Ibid.*)

Objectives & Feasibility: This alternative meets some aspects of the broader project objectives of connecting to JCSD, the Chino Basin, and other regional water facilities but not to the full extent that the Proposed Project does. (DSEIR p. 6.0-14.) However, because potential

impacts associated with the Realignment Alternative are basically the same as the Proposed Project and it includes well locations and operations which have a greater chance of impacting groundwater quality than the Proposed Project, it would not achieve one of the most important of the basic project objective of the Project. (*Ibid.*)

Finding: The District (1) rejects this alternative on the basis that it fails to meet basic project objectives, is environmentally inferior to the Proposed Project, and is infeasible for policy reasons; and (2) finds that either of these grounds provide sufficient justification for rejection of this alternative. Of the alternatives considered in depth in the SEIR, the District finds that the Realignment Alternative to be the environmentally superior alternative; however, as stated above and in DSEIR p. 6.0-14, it does not meet the project objections to the full extent that the Project does.

### **SECTION 9: RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS**

The Board of Directors hereby declares that, pursuant to the State CEQA Guidelines Section 15093, the Board of Directors has balanced the benefits of the Project against any unavoidable environmental impacts in determining whether to approve the Project. Pursuant to the State CEQA Guidelines, if the benefits of the Proposed Project outweigh the unavoidable adverse environmental impacts, those impacts may be considered “acceptable.”

The Board of Directors hereby declares that the SEIR has identified and discussed significant effects which may occur as a result of the Proposed Project. With the implementation of the Mitigation Measures discussed in the SEIR and adopted by this Resolution, these effects can be mitigated to a level of less than significant except for the unavoidable significant impacts discussed in Section 4 of this Resolution.

The Board of Directors hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The Board of Directors hereby declares that to the extent any Mitigation Measures recommended in the SEIR would not be incorporated, such Mitigation Measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social and other benefits that this Board of Directors finds outweigh the unmitigated impacts.

The Board of Directors further finds that except for the Project, all other alternatives set forth in the SEIR are infeasible because they would prohibit the realization of Project objectives and/or specific economic, social and other benefits that this Board of Directors finds outweigh any environmental benefits of the alternatives.

The Board of Directors hereby declares that, having reduced the adverse significant environmental effect of the Project to the extent feasible by adopting the Mitigation Measures contained in this Resolution, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impact after mitigation, the Board of Directors has determined that each of the following social, economic and environmental benefits of the Project separately and individually outweigh the potential

unavoidable adverse impact and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

- Even though the short-term construction of the Project is shown to have a significant impact on air quality, these impacts are temporary and will no longer exist once the Project is operational and, therefore, the Project's cumulative impact is less than significant. (DSEIR p. 4.13-11.)
- The Proposed Project will reduce impacts related to traffic circulation and biological resources by utilizing boring/tunneling techniques for pipeline installation across major roadways, canals, railroads and riparian. (DSEIR p. 4.2-40.)
- The Proposed Project's guided pipe jacking process will reduce surface disturbances during construction and installation. (DSEIR p. 4.2-43.)
- The Proposed Project will address long-term water demand and meet the future needs of a rapidly growing service area by providing an adequate potable water distribution network. (DSEIR p. 4.2-41.)
- The Proposed Project will reduce possible water shortages during dry years or times of year and reduce reliance on direct delivery of imported water during dry year conditions. (DSEIR p. 4.2-63.)
- The Proposed Project's system of storage, extraction and distribution of water will improve the reliability of the District's water supply and will make the District less dependent on the direct delivery of water from the Metropolitan Water District of Southern California. (DSEIR p. 2.0-4; SEIR 2.0-4.)
- The Proposed Project will contribute to the Upper Santa Ana Watershed effort to become drought-proof and self-sufficient. (*Ibid.*)
- The Proposed Project will improve groundwater quality through managed extraction and spreading of imported water. (DSEIR p. 2.0-4.)
- The Proposed Project will tie into the Chino Desalter Phase 3 expansion to facilitate the connection of WMWD facilities to those that are a part of the Chino Basin Dry-Year Yield Program. (DSEIR p. p. 3.0-1.)
- The Proposed Project will deliver available imported water to its customers. (*Ibid.*)
- The Proposed Project will interconnect local groundwater basins thereby creating a regional approach for the distribution of groundwater in order to improve groundwater reliability. (*Ibid.*)

The Board of Directors hereby declares that the foregoing benefits provided to the public through the approval and implementation of the Project outweigh the identified significant adverse environmental impact of the Project that cannot be mitigated. The Board of Directors finds that each of the Project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the SEIR and therefore finds those impacts to be acceptable.

**SECTION 10: CERTIFICATION OF THE SEIR**

The Board of Directors finds that it has been presented with the SEIR, which it has reviewed and considered, and further finds that the SEIR is an accurate and objective statement that has been completed in full compliance with CEQA, the State CEQA Guidelines and that the SEIR reflects the independent judgment and analysis of the Board of Directors.

The Board of Directors declares that no evidence of new significant impacts as defined by the State CEQA Guidelines section 15088.5 have been received by the Board after circulation of the Draft SEIR which would require recirculation.

Therefore, the Board of Directors hereby certifies the SEIR based on the entirety of the record of proceedings, including but not limited to the following findings and conclusion:

**A. Findings**

The following significant environmental impacts have been indentified in the SEIR and will require mitigation as set forth in Section 4 of this Resolution but cannot be mitigated to a level of less than significant: Air Quality/Climate Change (significant short-term project-specific and cumulative impacts to air quality during construction); Air Quality/Climate Change (cumulatively considerable net increase of greenhouse gas emissions during project operation).

**B. Conclusions**

All significant environmental impacts from the implementation of the Project have been identified in the SEIR and, with implementation of the Mitigation Measures identified, will be mitigated to a less than significant level, except for the impacts listed in subsection A above.

Other reasonable alternatives to the Project which could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project.

Environmental, economic, social and other considerations and benefits derived from the development of the Project override the significant and unavoidable impact of the project identified in subsection A.

**SECTION 11: RESOLUTION ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

Pursuant to Public Resources Code section 21081.6, the Board of Directors hereby adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as Exhibit A. Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set for herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

**SECTION 12: APPROVAL OF THE PROJECT**

In light of the findings contained in this resolution and the entirety of the record of proceedings, the Board of the Western Municipal Water District hereby approves the Riverside – Corona Feeder Project.

**SECTION 13: RESOLUTION REGARDING CUSTODIAN OF RECORD**

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Western Municipal Water District, Water Resources Department, 14205 Meridian Parkway, Riverside, CA 92518. The custodian for these records is Fakhri Manghi. This information is provided in compliance with Public Resources Code section 21081.6.

**SECTION 14: RESOLUTION REGARDING STAFF DIRECTION**

A Notice of Determination shall be filed with the County of Riverside and the State Clearinghouse within 5 (five) working days of final Project approval.

**ADOPTED AND APPROVED** this 15<sup>th</sup> day of February 2012.

  
DONALD D. GALLEANO  
President

February 15, 2012

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution 2756 adopted by the Board of Directors of said District at the duly-noticed regular meeting said Board held on the 15th day of February 2012.



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THOMAS P. EVANS  
Secretary-Treasurer

